

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Control of Sexually Transmissible Infections Code
- 2) Code Citation: 77 Ill. Adm. Code 693
- 3)

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| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
| 693.10 | Amendment |
| 693.100 | Amendment |
| 693.150 | Amendment |
- 4) Statutory Authority: Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6]
- 5) Effective Date of Amendments:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: 40 Ill. Reg. 14020; October 14, 2016
- 10) Has JCAR issued a State of Objection to these amendments? No
- 11) Difference(s) between proposal and final version: No changes were made in response to public comments or comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will implement P.A. 99-0173 with respect to the definition of health care professional and add language to facilitate data sharing and surveillance based partner services.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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The full text of the adopted amendments begin on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693

CONTROL OF SEXUALLY TRANSMISSIBLE INFECTIONS CODE

Section

| | |
|---------|---|
| 693.10 | Definitions |
| 693.15 | Incorporated and Referenced Materials |
| 693.20 | Reportable STIs and Laboratory Results |
| 693.30 | Reporting |
| 693.35 | Fines and Penalties |
| 693.40 | Counseling and Partner Services |
| 693.45 | Notification of Health Care Contacts |
| 693.50 | Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia, HIV or Chancroid |
| 693.60 | Quarantine and Isolation for Syphilis, Gonorrhea, Chlamydia, HIV and Chancroid |
| 693.70 | Counseling and Education for AIDS and HIV (Repealed) |
| 693.80 | Isolation for AIDS and HIV (Repealed) |
| 693.90 | Quarantine (Repealed) |
| 693.100 | Confidentiality |
| 693.110 | Examination and Treatment of Prisoners |
| 693.120 | Certificate of Freedom from STIs |
| 693.130 | Treatment of Minors |
| 693.140 | Control Measures (Repealed) |
| 693.150 | Expedited Partner Therapy (EPT) |

AUTHORITY: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective

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October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 19 Ill. Reg. 1126, effective January 20, 1995; amended at 22 Ill. Reg. 22026, effective December 9, 1998; amended at 25 Ill. Reg. 3916, effective April 1, 2001; amended at 25 Ill. Reg. 14497, effective November 1, 2001; amended at 37 Ill. Reg. 8762, effective June 12, 2013; amended at 38 Ill. Reg. 20788, effective October 15, 2014; amended at 41 Ill. Reg. _____, effective _____.

Section 693.10 Definitions

"Act" means Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].

"Blood Bank" means any facility or location at which blood or plasma is procured, furnished, donated, processed, stored or distributed.

"Certified Local Health Department" means a local health department that is certified pursuant to 77 Ill. Adm. Code 600.210 of the Certified Local Health Department Code.

"Contact" means:

An individual who has been in direct sexual contact with an individual infected with a sexually transmitted infection (STI);

An individual who has been in direct sexual or needle contact with a person with AIDS or HIV infection;

An individual who has undergone artificial insemination, a blood transfusion or an organ or tissue transplantation donated by a person with human immunodeficiency virus (HIV) infection.

"Critical Period" means the time interval for which an individual infected with an STI is asked to recall sexual or needle-sharing contacts. Ideally, the critical period covers the time from the earliest date an individual could have been infected with an STI up to the date of diagnosis or treatment.

The critical period for syphilis is based on the disease stage at the time of diagnosis:

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Primary – four months and one week;

Secondary – eight months (34 weeks);

Early latent – 12 months, unless a credible primary or secondary history can be established.

The critical period for chlamydia, gonorrhea and chancroid is 60 days before the date of specimen collection and should be extended through the date of treatment if the patient was not treated at the time the specimen was collected.

The critical period for HIV is 12 months before the date of diagnosis.

"Department" means the *Illinois Department of Public Health*. (Section 3 of the Act)

"Designated Agent" means an organization designated by the Department, or a local health department in cities with a population of 1,000,000 or more, to conduct public health activities under a written ~~service~~ agreement with the Department.

"Epidemiologic Information" means information, obtained through the counseling and partner services process, regarding possible exposure to an STI.

"Expedited Partner Therapy" means to prescribe, dispense, furnish or otherwise provide prescription antibiotic drugs to the partner or partners of persons clinically diagnosed as infected with a sexually transmissible infection, without physical examination of the partner or partners.

"Exposure-Prone Invasive Procedure" means an invasive procedure involving digital palpation of a needle tip in a body cavity, or the simultaneous presence of a health care professional's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomical site.

"Health Care Contact" means any the following:

An individual who has undergone exposure-prone invasive procedures performed by an HIV infected health care professional when the Department has determined that there is or may have been potential risk of

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HIV transmission from the health care professional to that individual;

A health care professional who has performed exposure-prone invasive procedures for a person infected with HIV when the Department has determined that there is or may have been potential risk of HIV transmission from the infected person to the health care professional. (Section 5.5(c) of the Act)

"Health Care Facility" means any institution, building or agency or portion of any institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

"Health Care Professional" means any of the following:

A physician licensed to practice medicine in all its branches~~a licensed physician;~~

a licensed physician assistant~~to whom the physician assistant's supervising physician has delegated the provision of health services;~~

a licensed~~an~~ advanced practice nurse~~who has a written collaborative agreement with a collaborating physician which authorizes the provision of health services;~~ [410 ILCS 325/3(4)]

a licensed dentist~~a licensed dentist;~~

a licensed podiatrist~~a licensed podiatrist; or [410 ILCS 305/3(f-5)]~~

a licensed nurse or other person licensed or certified to provide health care services of any kind; or;

an individual certified to provide HIV testing and counseling by a state or local public health department.

"HIV Infection" means infected with HIV, as evidenced by a positive or reactive supplemental laboratory test result.

"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory

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Improvement Amendments of 1988 (CLIA) certification.

"Invasive Procedure" means surgical entry into tissues, cavities or organs or repair of major traumatic injuries associated with any of the following:

An operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

Cardiac catheterizations and angiographic procedures;

Vaginal or cesarean delivery or other invasive obstetrical procedure during which bleeding may occur; or

Manipulation or excision of any oral or perioral tissue, including tooth structure, during which bleeding or the potential for bleeding exists.

"Isolation" means the physical separation and confinement of an individual who is infected or reasonably believed to be infected with an STI from non-isolated individuals to prevent the transmission of the STI to non-isolated individuals.

"Laboratory" means a CLIA-approved or -licensed facility, other than a blood bank, at which tests are performed to determine the presence of infection with an STI.

"Local Health Department" means *the full-time official health department or board of health having jurisdiction over a particular area.* (Section 3 of the Act)

"Noncompliant" means that a person who is infected with an STI and is aware of his/her infection is engaging in behaviors or activities that place others at risk of exposure to the STI.

"Partner Services" means services offered to persons diagnosed with HIV, syphilis, gonorrhea or chlamydia and to their partners. These services include, but are not limited to, interviewing infected individuals to elicit and subsequently notify sex and needle sharing partners of possible exposure or potential risk of exposure to infection, facilitating testing and treatment of exposed partners, and providing referrals to support services as needed.~~information and assistance offered to persons infected with STIs in referring their sexual or needle-sharing contacts for a medical examination, testing, counseling and treatment, if indicated.~~

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"Quarantine" means the act of making a place or a location *off limits to the public to prevent the probable spread of* syphilis, gonorrhea, chlamydia, HIV or chancroid. (Section 7(a) of the Act)

"Self-Refer" means for a person infected with an STI to notify his/her contacts of their possible exposure to an STI and to refer contacts to appropriate health care professionals for counseling, testing and treatment, if indicated.

"Sexually Transmissible Infection" or "STI" means, as defined by the Centers for Disease Control and Prevention, an infection that can be acquired or transmitted through sexual activity.

"Susceptible" means capable of becoming infected with the etiologic agent of an STI.

"Suspected Case" means a person who is reasonably believed to be infected with an STI, based on medical or epidemiologic information.

"Treatment" means services for prevention, diagnosis and medical management of STIs, including examination, laboratory testing, medication, counseling and immunization.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 693.100 Confidentiality

- a) *All information and records held by the Department and local health departments or designated agents relating to known or suspected cases of STIs shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and local health departments or designated agents shall not disclose information and records held by them relating to known or suspected cases of STIs publicly or in any action of any kind in any court or before any tribunal, board or agency.* (Section 8(a) of the Act)
- b) Databases maintained by the Department, certified local health departments or designated agents containing the information described in subsection (a) shall not be released for the purposes of matching with other State agency databases.
- c) *Such information shall not be released or made public by the Department, local health departments or designated agents, or by a court or parties to a lawsuit upon*

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revelation by subpoena, or *by a court conducting proceedings authorized by Section 6(c) of the Act, except that release of such information may be made under the following circumstances:*

- 1) *When made with the consent of all persons to which the information applies (Section 8(a)(1) of the Act);*
 - 2) *When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed (Section 8(a)(2) of the Act);*
 - 3) *When made to medical personnel, the Department, local health departments or designated agents for care and treatment purposes, including for the purposes of ensuring that medical providers can attempt to re-engage persons with HIV in care and to provide partner services, appropriate State agencies expressly charged in the Act and this Part with enforcement of the provisions of the Act, or courts of appropriate jurisdiction to enforce the provisions of the Act and this Part (Section 8(a)(3) of the Act);*
 - 4) *When authorized by 77 Ill. Adm. Code 697.210 (HIV/AIDS Confidentiality and Testing Code);*
 - 5) *When authorized by the AIDS Confidentiality Act.*
- de) *A court hearing a request for the issuance of a warrant as authorized in Section 6(c) of the Act shall conduct such proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 8(c) of the Act)*
- ed) *No employee of the Department, a local health department or designated agent shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined, tested, or treated for an STI, or a contact of the person, by the Department, a local health department or designated agent pursuant to the provisions of the Act, or concerning the existence or contents of such reports received from a health care professional or health care facility, pursuant to the provisions of the Act, without the consent of the person examined, tested or treated, or a contact to an STI, except in proceedings under Sections 6 and 7 of the Act. (Section 8(d) of the Act)*

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fe) *All information and records held by the Department, a local health department or designated agent pertaining to health care contact risk assessment and notification activities shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department, a local health department or designated agent, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances:*

- 1) *When disclosure is made with the written consent of all persons to whom this information pertains;*
- 2) *When authorized under Section 8 of the Act to be released under court order or subpoena pursuant to Section 12-5.01 of the Criminal Code of 1961; or*
- 3) *When disclosure is made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of the Act. Such disclosure shall conform to the requirements of Section 8(a) of the Act. (Section 5.5 of the Act)*

gf) *Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under Section 5.5 of the Act is guilty of a Class A Misdemeanor. (Section 5.5(d) of the Act)*

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 693.150 Expedited Partner Therapy (EPT)

- a)** ~~*For the purposes of this Section, in addition to the definition in Section 693.10, health care professional means a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of sexually transmissible infection therapy services or expedited partner therapy services by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of sexually transmitted infections therapy services or expedited partner therapy services, or an advanced practice nurse who practices in a hospital or*~~

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~~*ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act. (Section 3 of the Act)*~~

- ~~a~~b) Persons with a clinical diagnosis of chlamydia or gonorrhea, preferably confirmed with a laboratory test, are eligible for EPT.
- ~~b~~e) Sex partners of patients treated for chlamydia or gonorrhea, or both, who were exposed within the previous 60 days and who are unable or unlikely to seek medical care are eligible for EPT. If there were no sex partners within the previous 60 days, the most recent sex partner is eligible.
- ~~c~~d) *Health care professionals who provide EPT shall comply with Sections 4 and 5 of the Act. (Section 6(e)(2) of the Act)*
- ~~d~~e) EPT is not contraindicated but is a last resort for pregnant partners. Health care professionals shall attempt to contact the pregnant partner and ensure that she is referred for medical care.
- ~~e~~f) *Health care professionals who provide EPT shall provide counseling for the patient and written materials provided by the Department to be given by the patient to the partner or partners that include, at a minimum, the following:*

 - 1) *A warning that a woman who is pregnant or might be pregnant must not take certain antibiotics and must immediately contact a health care professional for an examination, and a recommendation for such an examination;*
 - 2) *Information about the antibiotic and dosage provided or prescribed; clear and explicit allergy and side effect warnings, including a warning that a partner who has a history of allergy to the antibiotic or the pharmaceutical class of antibiotic must not take the antibiotic and must be immediately examined by a health care professional, and a recommendation for such an examination;*
 - 3) *Information about the treatment and prevention of sexually transmissible infections;*
 - 4) *The requirement of abstinence until a period of time after treatment to prevent infecting others;*

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- 5) *Notification of the:*
- A) *importance of the partner or partners of the patient receiving examination and testing for HIV and other sexually transmissible infections; and*
 - B) *available resources;*
- 6) *Notification of the risk to self, others, and the public health if the sexually transmissible infection is not completely and successfully treated;*
- 7) *The responsibility of the partner or partners to inform his or her sex partner or partners of the risk of sexually transmissible infection and the importance of prompt examination and treatment. (Section 6(e)(3) of the Act)*

fg) A healthcare professional prescribing, dispensing, furnishing, or otherwise providing in good faith without fee and compensation prescription antibiotics to partners under this Section and providing counseling and written materials as required by subsection (ef) shall not be subject to civil or professional liability, except for willful and wanton misconduct. A health care professional shall not be subject to civil or professional liability for choosing not to provide expedited partner therapy. (Section (6)(e)(5) of the Act)

gh) Educational materials will instruct all EPT recipients to seek care for STI and to seek HIV testing, regardless of whether they take the medication.

hi) Medication may be dispensed directly to the patient for delivery to the partner or partners. If the partner or partners are unable or unlikely to seek medical care, the prescription for the medication may be provided to the patient to be delivered to the partner or partners. A combination of partner strategies may be used; for example, a patient with several partners may refer one partner to a health care professional, but take EPT for other partners.

(Source: Amended at 41 Ill. Reg. _____, effective _____)