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ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

June 13, 2002

Honorable Robert Zimmerman, Jr., Secretary
Department of Health
802 Health and Welfare Building
Harrisburg, PA 17108

Re: Regulation #10-166 (IRRC #2185)
Department of Health
Reporting of AIDS, HIV Test Results, CD4 T-Lymphocyte Counts
and Perinatal Exposure of Newborns to HIV

Dear Secretary Zimmerman:

The Independent Regulatory Review Commission approved your regulation on June 13, 2002.
Our Order is enclosed and is available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,


John R. McGinley, Jr.
Chairman

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Enclosure

cc: Honorable George T. Kenney, Jr., Majority Chairman, House Health and Human Services Committee
Honorable Frank L. Oliver, Democratic Chairman, House Health and Human Services Committee
Honorable Harold F. Mowery, Jr., Chairman, Senate Public Health and Welfare Committee
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee
Nia Wilson, Legal Counsel, House Health and Human Services Committee
Stanley Mitchell, Chief Counsel, House Health and Human Services Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held June 13, 2002

John R. McGinley, Jr., Chairman
Alvin C. Bush, Vice Chairman, by Proxy
Arthur Coccodrilli, Dissenting
Robert J. Harbison, III, by Phone
John F. Mizner

Regulation No. 10-166
Department of Health
Reporting of AIDS, HIV Test Results,
CD4 T-Lymphocyte Counts and
Perinatal Exposure of Newborns to HIV

On April 10, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 27. The proposed regulation was published in the April 21, 2001 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 15, 2002. On May 31, 2002, the Commission received a request from the Department to toll consideration of this final-form regulation to make four minor clarifications. Also on May 31, 2002, the Department submitted its revisions to the final-form regulation to the Commission.

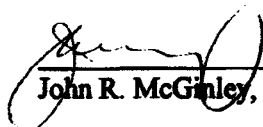
This regulation adds three types of AIDS-related infections or conditions to the list of communicable and noncommunicable diseases that are subject to name-based reporting. These three infections or conditions include: HIV, CD4 T-lymphocyte test results with a count of less than 200 cells/uL or less than 14 percent of total lymphocytes, and perinatal exposure of a newborn to HIV. In addition to reporting requirements, the regulation allows anonymous testing at Department-designated anonymous testing sites.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. §521.16) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





John R. McGinley, Jr., Chairman