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**STATE OF COLORADO
DEPARTMENT OF LAW**

State Services Section

January 4, 2016

The Honorable Wayne W. Williams
Colorado Secretary of State
1700 Broadway
Denver, CO 80290

RE: Correction Request Tracking No. 2015-00856

Dear Secretary of State Williams:

On September 16, 2015, the Colorado Department of Public Health and Environment ("CDPHE") submitted SOS tracking #2015-00464, Proposed Amendments to 6 CCR 1009-1 – Rules and Regulations Pertaining to Epidemic and Communicable Disease Control. Upon review of the text of this rule, CDPHE staff uncovered two typos in the footnotes to the approved Reportable Diseases Table. On December 16, 2015, CDPHE requested an administrative change to SOS tracking #2015-00464 in order to correct the definition in the footnotes. A correct version has been submitted.

This correction is technical and non-substantive in nature and is submitted to you for publishing in the CCR pursuant to C.R.S. § 24-4-103 of the State Administrative Procedure Act.

Please contact me at 720-508-6145 if you require further information. Thank you for your assistance.

Sincerely,

FOR THE ATTORNEY GENERAL

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On September 16, 2015, the Board approved a number of updates, clarifications, and technical changes to the Rules and Regulations Pertaining to Epidemic and Communicable Disease Control. We recently became aware that two typos existed in the footnotes to the approved Reportable Diseases Table. On December 16, 2015, the board directed staff to request an administrative change to SOS tracking # 2015-00464 in order to correct the definition in the footnotes.

- 1) The Department communicated that we were changing the definition of carbapenem-resistant Enterobacteriaceae (CRE) to be consistent with a proposed national case definition. However, footnote #9 in the Reportable Diseases Table does not have the correct definition that was included in previous multiple communications with stakeholders, with the Board in the Statement of Basis and Purpose in the rulemaking document or as discussed in the Department's presentation to the Board. This was an oversight that was not detected in the multiple revisions to the rule.

The definition currently reads:

Escherichia coli, *Klebsiella* species, and *Enterobacter* species that are intermediate or resistant to at least one carbapenem (including imipenem, meropenem, doripenem, or ertapenem) AND resistant to all third-generation cephalosporins tested (ceftriaxone, cefotaxime, and ceftazidime); OR *Escherichia coli*, *Klebsiella* species, and *Enterobacter* species that test positive for carbapenemase production (by any method, including the Modified Hodge Test, disk diffusion, or PCR) production of a carbapenemase (i.e., KPC, NDM, VIM, IMP, OXA-48) demonstrated by a recognized test (e.g., polymerase chain reaction, metallo- β -lactamase test, modified-Hodge test, Carb-NP).

The definition should read:

Escherichia coli, *Klebsiella* species, and *Enterobacter* species that are resistant to at least one carbapenem (including imipenem, meropenem, doripenem, or ertapenem); OR *Escherichia coli*, *Klebsiella* species, and *Enterobacter* species that test positive for production of a carbapenemase (i.e., KPC, NDM, VIM, IMP, OXA-48) demonstrated by a recognized test (e.g., polymerase chain reaction, metallo- β -lactamase test, modified-Hodge test, Carba-NP).

- 2) In response to stakeholder feedback received in September of 2015, the Department offered an amendment to the proposed rule during the rulemaking hearing on September 16, 2015. The amendment revised the Reportable Diseases Table pathogen/organism entry for *Pseudomonas*, carbapenem-resistant. The revision changed "Pseudomonas species" to "*Pseudomonas aeruginosa*." Though the table was revised to list *Pseudomonas aeruginosa* as a reportable organism, the Department did not revise the corresponding footnote (#14).

The definition currently reads:

Pseudomonas species that are resistant to at least one of the following carbapenems: imipenem, meropenem, or doripenem; OR *Pseudomonas* species that test positive for production of a carbapenemase (i.e., KPC, NDM, VIM, IMP, OXA).

The definition should read:

Pseudomonas aeruginosa resistant to at least one of the following carbapenems: imipenem, meropenem, or doripenem; OR *Pseudomonas aeruginosa* that tests positive for production of a carbapenemase (i.e., KPC, NDM, VIM, IMP, OXA).