

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Ned Calonge, M.D., Interim Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado

Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

## NOTICE OF PUBLIC RULE-MAKING HEARING BEFORE THE COLORADO BOARD OF HEALTH

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on **January 20, 2010** in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the promulgation of **amendments to 6 CCR 1009-9, Rules Pertaining to the Reporting, Prevention, and Control of AIDS, HIV Related Illness, and HIV Infection.** The Board meeting commences in the morning. For the specific time this hearing is scheduled, please consult the meeting agenda on the Board's Web site at <http://www.cdphe.state.co.us/op/bh/index.html> on or after Friday, January 8, 2010 or call (303) 692-3464.

The purpose of this hearing is to receive public comments on proposed amendments to 6 CCR 1009-9, Rules Pertaining to the Reporting, Prevention, and Control of AIDS, HIV Related Illness, and HIV Infection, including the addition of a reporting exemption for certain HIV researchers; verbiage changes to update counseling and testing language; and clarification of the reporting requirements for HIV viral load and HIV nucleotide sequence testing. Specifically, the proposed changes include the following: 1) Modifications to include a reporting exemption to a researcher conducting a medical research study of HIV treatment or vaccine effectiveness, or conducting basic biomedical research into the cellular mechanisms causing HIV infection pursuant to a research protocol that has been reviewed and approved by the State Board of Health. 2) Modifications to update language pertaining to counseling and testing sites. Currently, the rules address only certain Colorado Department of Public Health and Environment funded counseling and testing sites. This language has been updated to include publicly funding HIV testing and counseling projects throughout Colorado. In addition, the operational standards for publicly funded HIV testing and counseling projects have changed significantly since 1997. The rules have been modified to reflect the new standards. 3) Modifications to clarify the reporting requirement for all HIV viral load tests and HIV genotype testing regardless of result. Currently, the rules require the reporting of every test result that is diagnostic of or highly correlated with or indicates HIV infection. This language has caused confusion and needed clarification.

The proposed rules have been developed by the Disease Control and Environment Epidemiology Division of the Colorado Department of Public Health and Environment pursuant to Section 25-4-1401, Section 25-4-1402, Section 25-4-1403, Section 25-4-1405, Section 25-4-1405.5, and Section 25-4-1408 C.R.S.

Copies of the proposed rules may be obtained by contacting the Colorado Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division DCEED-STD/HIV-A3, 4300 Cherry Creek Drive S., Denver, CO 80246, (303) 692-2756. The proposed amendments will also be available on the Board's Web site at <http://www.cdphe.state.co.us/op/bh/index.html> under "Notices of Upcoming Public Rulemaking Hearings and Draft Proposed Rules."

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments, or by making oral comments at the hearing. At the discretion of the Chair, oral testimony at the hearing may be limited to five minutes or less depending on the number of persons wishing to comment.

The Board requests submission of written materials at least seven days prior to the hearing date, to allow the Board sufficient time to review the comments prior to the meeting. Persons wishing to submit written comments or views should submit them to:

Colorado Board of Health  
ATTN: Linda Shearman, Program Assistant  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South EDO-A5  
Denver, Colorado 80246-1530  
FAX: 303-691-7702, e-mail: [linda.shearman@state.co.us](mailto:linda.shearman@state.co.us)

(Continued)

The proposed revisions to be considered at the hearing, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the above address by any person at least five working days prior to the hearing.

Dated this 30<sup>th</sup> day of November 2009.

A handwritten signature in black ink, appearing to read "Ned Calonge MD", written over a horizontal line.

Ned Calonge, MD  
Interim Executive Director