

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R047-99

August 19, 1999

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 2, 4-6, NRS 441A.120; §§3, 7-11, NRS 441A.410.

Section 1. Chapter 441A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *Each insurer who requires or requests an applicant for a policy of life insurance or any other person to be examined or subjected to any medical, clinical or laboratory test that produces evidence consistent with the presence of a communicable disease shall, within 10 business days after the insurer is notified of the results of the examination or test, report the results of the test to the state health officer or his representative.*

2. *The report must include:*

- (a) The name and description of the examination or test performed;*
- (b) The name of the communicable disease or suspected communicable disease;*
- (c) The date and result of the examination or test performed;*
- (d) The name, address and telephone number of the insurer who required or requested the examination or test;*
- (e) The name, address, telephone number and date of birth of the person who was examined or tested;*

(f) The name, address and telephone number of the person who performed the examination or ordered the test;

(g) The name, address and telephone number of the laboratory that performed the test; and

(h) Any other information the state health officer or his representative may request.

3. The insurer may submit the report to the state health officer or his representative by telephone or any other method of electronic communication.

Sec. 3. *The rabies control authority of each town, city or county whose population is more than 50,000 shall maintain a record of the certificate of vaccinations against rabies that is organized according to the names of the owners of the vaccinated animals. The record of the certificates of vaccinations against rabies is confidential and may be disclosed only to a rabies control authority or health authority or pursuant to a court order.*

Sec. 4. NAC 441A.035 is hereby amended to read as follows:

441A.035 Except as otherwise described in the provisions of this chapter that are applicable to a particular communicable disease, “case” has the meaning ascribed to it in “Case Definitions for *Infectious Conditions under* Public Health Surveillance,” published by the Department of Health and Human Services.

Sec. 5. NAC 441A.200 is hereby amended to read as follows:

441A.200 1. The following recommendations, guidelines, and definitions are adopted by reference:

(a) The standard procedures to prevent transmission of disease by contact with blood or other body fluids as recommended by the Centers for Disease Control set forth in “Morbidity and Mortality Weekly Report” ~~[37(24):378-88, June 24, 1988]~~, published by the Department of Health and Human Services and available for ~~[purchase, at the cost of \$1,]~~ *the price of \$1.50*

from *the* Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.

(b) “Centers for Disease Control Guidelines for Isolation Precautions in Hospitals,” published by the Department of Health and Human Services and available for ~~purchase, at the cost of \$18.95,~~ *the price of \$23* from *the* National Technical Information Service, United States Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

(c) The recommended guidelines for the investigation, prevention, suppression ~~[]~~ and control of communicable disease of the Centers for Disease Control’s Advisory Committee on Immunization Practices, set forth in “Morbidity and Mortality Weekly Report” ~~[38(13):205-214 & 219-227, April 7, 1989]~~, as revised or supplemented in:

- (1) “Morbidity and Mortality Weekly Report” ~~[38(22):388-392 & 397-400, June 9, 1989]~~;
- (2) “Morbidity and Mortality Weekly Report” ~~[38(S-9), December 29, 1989]~~;
- (3) “Morbidity and Mortality Weekly Report” ~~[39(RR-2):1-26, February 9, 1990]~~;
- (4) “Morbidity and Mortality Weekly Report” ~~[39(RR-15):1-18, November 23, 1990]~~;
- (5) “Morbidity and Mortality Weekly Report” ~~[40(RR-1):1-7, January 11, 1991]~~;
- (6) “Morbidity and Mortality Weekly Report” ~~[40(RR-3):1-19, March 22, 1991]~~;
- (7) “Morbidity and Mortality Weekly Report” ~~[40(RR-6):1-15, May 24, 1991]~~;
- (8) “Morbidity and Mortality Weekly Report” ~~[40(RR-10), August 8, 1991]~~,

FLUSH each of which is published by the Department of Health and Human Services and available for ~~purchase, at the cost of \$1,~~ *the price of \$1.50* from *the* Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.

(d) The recommended guidelines for the investigation, prevention, suppression ~~[]~~ and control of communicable diseases contained in “Control of Communicable ~~[Disease in Man,] Diseases~~

Manual,” published by the American Public Health Association and available for ~~[purchase, at the cost of \$15 plus \$2 postage and handling,]~~ *the price of \$22* from *the* American Public Health Association, 1015 Fifteenth Street, Washington, D.C. 20005.

(e) The recommended guidelines for the investigation, prevention, suppression ~~[,]~~ and control of communicable diseases contained in ~~[“The report of the Committee on Infectious Diseases of the American Academy of Pediatrics (Red Book),”]~~ *the “1997 Red Book: Report of the Committee on Infectious Diseases,” 24th edition,* published by the American Academy of Pediatrics and available for ~~[purchase, at the cost of \$50 plus \$7.95 postage and handling,]~~ *the price of \$84.95* from *the* American Academy of Pediatrics, ~~[Publications Division, 141 Northwest Point Boulevard, P.O. Box 927,]~~ *P.O. Box 747,* Elk Grove Village, Illinois ~~[90009-0927,]~~ *60009-0747.*

(f) The recommendations for the testing, treatment, prevention, suppression ~~[,]~~ and control of chancroid, Chlamydia trachomatis, gonococcal infection, granuloma inguinale, lymphogranuloma venereum ~~[,]~~ and infectious syphilis as are specified in “Sexually Transmitted Diseases Treatment Guidelines,” set forth in “Morbidity and Mortality Weekly Report” ~~[38(S-8), September 1, 1989],~~ and available for ~~[purchase, at the cost of \$1,]~~ *the price of \$1.50* from *the* Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.

(g) The recommendations for the counseling of and effective therapy for a person having active tuberculosis or tuberculosis infection of the American Thoracic Society and the American Lung Association set forth in “Tuberculosis: What the Physician Should Know,” and available, free of charge, from *the* American Lung Association of Nevada, P.O. Box ~~[7058,]~~ *7056,* Reno, Nevada 89510.

(h) ~~["The recommendations of the Centers for Disease Control for preventing the transmission of tuberculosis in facilities providing health care set forth in "Guidelines for Preventing the Transmission of Tuberculosis in Health Care Settings, with Special Focus on HIV-Related Issues," and available for purchase, at the cost of \$1, from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.~~

~~—(i)]~~ The definition of "case" or "suspected case" set forth in "Case Definitions for *Infectious Conditions under* Public Health Surveillance," ~~["a publication of"]~~ *published by* the Department of Health and Human Services, and available for ~~["purchase, at the cost of \$1,"]~~ *the price of \$2.25* from *the* Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.

2. The state health officer shall review any revision or amendment of a recommendation, guideline ~~[""]~~ or definition specified in paragraphs (a) to (i), inclusive, of subsection 1, to determine whether the revision or amendment made to the recommendation, guideline ~~[""]~~ or definition is appropriate for application in this state. For the purpose of enforcing the provisions of this chapter, a revision or amendment of a recommendation, guideline ~~[""]~~ or definition specified in paragraphs (a) to (i), inclusive, of subsection 1, is effective in this state 10 days after its revision or amendment unless the state health officer files an objection to the amendment or revision of the recommendation, guideline ~~[""]~~ or definition with the state board of health.

Sec. 6. NAC 441A.290 is hereby amended to read as follows:

441A.290 1. A district health officer who knows, suspects ~~[""]~~ or is informed of the existence within his jurisdiction of a communicable disease shall:

(a) Use as a guideline for the investigation, prevention, suppression ~~[]~~ and control of the communicable disease, the recommended guidelines for the investigation, prevention, suppression ~~[]~~ and control of communicable disease:

(1) Of the Centers for Disease Control’s Advisory Committee on Immunization Practices;

(2) Contained in “Control of Communicable ~~[Disease in Man,] Diseases Manual,~~” published by the American Public Health Association; and

(3) Contained in ~~[“The report of the Committee on Infectious Diseases of the American Academy of Pediatrics (Red Book),”]~~ *the “1997 Red Book: Report of the Committee on Infectious Diseases,” 24th edition,* published by the American Academy of Pediatrics; and

(b) Carry out the measures for the investigation, prevention, suppression ~~[]~~ and control of the communicable disease specified in this chapter.

2. Upon receiving a report from a medical laboratory pursuant to NAC 441A.235, the district health officer shall ~~[contact]~~ *notify* the health care provider who ordered the test or examination and discuss the circumstances of the case or suspected case before initiating an investigation or ~~[contacting]~~ *notifying* the case or suspected case. If, after a reasonable effort, the district health officer is unable to ~~[contact]~~ *notify* the health care provider who ordered the test or examination before the time ~~[when]~~ an investigation must be initiated ~~[in order]~~ to protect the public health, the district health officer may proceed with the investigation, including ~~[contacting]~~ *notifying* the case or suspected case, and may carry out measures for the prevention, suppression ~~[]~~ and control of the communicable disease.

3. The district health officer shall notify the state health officer, or his representative, as soon as possible of any case reported in his jurisdiction:

(a) Having anthrax, foodborne botulism, cholera, diphtheria, extraordinary occurrence of illness, measles, plague, rabies, rubella ~~[]~~ or typhoid fever.

(b) That is part of a foodborne disease outbreak.

4. The district health officer shall prepare a case report for each case reported in his jurisdiction pursuant to the provisions of this chapter. The report must be made on a form approved or provided by the division and ~~[must]~~ be submitted to the state health officer, or his representative, within 7 days ~~[of]~~ *after* completing the investigation of the case. The district health officer shall provide all available information requested by the state health officer, or his representative, for each case reported ~~[]~~, *unless the provision of that information is prohibited by federal law.*

5. The district health officer shall inform persons within his jurisdiction who are subject to the provisions of this chapter of the requirements of this chapter.

6. The district health officer may require, in his jurisdiction, the reporting of an infectious disease not specified in NAC 441A.040 as a communicable disease.

Sec. 7. NAC 441A.410 is hereby amended to read as follows:

441A.410 1. Each county, city ~~[]~~ and town shall appoint a rabies control authority and ~~[shall]~~ enact an ordinance providing for a rabies control program. The ordinance must include a provision:

(a) Requiring all dogs, cats ~~[]~~ and ferrets in its jurisdiction to be vaccinated against rabies as prescribed in ~~[subsection 1 of]~~ NAC 441A.435.

(b) Authorizing the rabies control authority in the county, city ~~[]~~ or town to issue a citation to the owner of a dog, cat ~~[]~~ or ferret which is not vaccinated against rabies as prescribed in

~~[subsection 1 of]~~ NAC 441A.435 and providing that only a certificate of vaccination against rabies issued pursuant to NAC 441A.440 is acceptable as proof of vaccination against rabies.

2. A county, city ~~[;]~~ or town may require an owner of a dog, cat ~~[;]~~ or ferret to obtain a license for each dog, cat ~~[;]~~ or ferret owned.

3. *A county, city or town shall provide:*

(a) The name, address and telephone number of the rabies control authority appointed pursuant to subsection 1 to the state health officer or his representative within 30 days after the appointment of the rabies control authority; and

(b) A copy of the ordinance enacted pursuant to subsection 1 to the state health officer or his representative within 30 days after the ordinance is enacted.

Sec. 8. NAC 441A.425 is hereby amended to read as follows:

441A.425 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 3*, the rabies control authority shall cause a dog ~~[or cat,]~~ , *cat or ferret*, regardless of current vaccination against rabies, which has bitten a person, to be quarantined and, for 10 days following the bite, to be observed under the supervision of a licensed veterinarian or *any* other person designated by the rabies control authority. The dog , ~~[or]~~ cat *or ferret* must be quarantined within an enclosure or with restraints deemed adequate by the rabies control authority to prevent direct contact with a person or an animal.

2. If a dog which has bitten a person is owned by a canine unit of a law enforcement agency ~~[;]~~ *or is a guide dog, hearing dog or helping dog*, the rabies control authority may waive the requirement that the dog be quarantined if:

(a) The bite occurred while the dog was carrying out his normal duties for the law enforcement agency ~~[;]~~ *or as a guide dog, hearing dog or helping dog;*

(b) The dog has been vaccinated against rabies pursuant to NAC 441A.435; and

(c) For 10 days following the bite, the dog is observed under the supervision of a licensed veterinarian or *any* other person designated by the rabies control authority.

3. *A dog, cat or ferret which has bitten a person may be euthanized and tested for rabies without a period of quarantine if:*

(a) *The animal is so ill or severely injured that it would be inhumane to keep it alive;*

(b) *In the opinion of the health authority or licensed veterinarian, the animal exhibits paralysis or neurological or behavioral symptoms that are consistent with rabies; or*

(c) *The behavior of the animal is so fractious or aggressive that it is not possible for the rabies control authority to manage the animal safely.*

4. The dog, ~~or~~ cat *or ferret* must be examined by a licensed veterinarian at the first sign of illness during the 10 days of observation. Any illness must be reported immediately to the rabies control authority. If signs of rabies develop during the 10 days of observation, the dog, ~~or~~ cat *or ferret* must be euthanized and its head removed and shipped under refrigeration for examination at the laboratory of the ~~[division of agriculture of the department of business and industry.]~~ *state department of agriculture*. If at the end of the quarantine period, the animal is free of all signs of rabies ~~[, the:]~~ :

(a) *The* animal must be returned to its owner upon payment of all costs of quarantine and veterinary care and examination ~~[-~~

~~—4.— If, after a reasonable effort is made to locate the owner of an unwanted or stray dog or cat, the owner is unknown or cannot be located, or if the owner agrees, the unwanted or stray dog or cat which has bitten a person may be euthanized and the head submitted for laboratory examination without a period of quarantine.~~

~~5.] ; or~~

(b) The animal may be euthanized in the manner prescribed by the rabies control authority if the owner of the animal cannot be located. The head of the animal is not required to be submitted to the laboratory of the state department of agriculture for examination.

5. A bat, raccoon, skunk ~~[, fox, or unvaccinated ferret]~~ *or fox* which has bitten a person must be euthanized immediately without a period of quarantine and the head submitted for laboratory examination.

6. ~~[A vaccinated ferret or]~~ *Any* other species of animal which has bitten a person must be managed as deemed appropriate in the discretion of the rabies control authority.

7. The owner of an animal quarantined pursuant to the provisions of this chapter is responsible for all costs of quarantine and veterinary care and examination.

8. The person responsible for supervising an animal quarantined pursuant to subsection 1 shall not release the animal to ~~[anyone]~~ *any person* other than the owner of the animal at the time it was quarantined or a member of the immediate family of that person.

9. As used in this section:

(a) "Guide dog" has the meaning ascribed to it in NRS 426.075.

(b) "Hearing dog" has the meaning ascribed to it in NRS 426.081.

(c) "Helping dog" has the meaning ascribed to it in NRS 426.083.

Sec. 9. NAC 441A.430 is hereby amended to read as follows:

441A.430 1. Except as otherwise provided in this section, a wild or exotic animal that is rabies-susceptible ~~[, including an unvaccinated ferret,]~~ *and* in close contact with an animal suspected or known to have rabies must be euthanized immediately. The rabies control authority may exempt a rare or valuable animal from the provisions of this section.

2. Unless the owner of the animal objects, a dog, ~~or~~ cat *or ferret* which has not been vaccinated pursuant to ~~subsection 1 of~~ NAC 441A.435 and which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies, must be euthanized immediately. If the owner of the animal objects, the dog, ~~or~~ cat *or ferret* must be ~~immediately vaccinated against rabies and~~ quarantined within an enclosure or with restraints deemed adequate by the rabies control authority to prevent direct contact with a person or an animal for ~~a period of~~ 180 days, under the supervision of a licensed veterinarian or *any* other person designated by the rabies control authority. The dog, ~~or~~ cat *or ferret* must be vaccinated 1 month before release.

3. A dog, cat ~~or~~ ferret which has been vaccinated pursuant to ~~subsection 1 of~~ NAC 441A.435 and which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies, must be:

(a) Immediately revaccinated and confined for ~~90~~ 45 days in a manner prescribed by the rabies control authority; or

(b) Upon the request of the owner of the dog, cat or ferret, euthanized.

4. A domesticated animal of a rabies-susceptible species, other than a dog, cat ~~or~~ ferret, which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies, must be managed according to the discretion of the rabies control authority.

5. The owner of an animal confined pursuant to the provisions of this section is responsible for all costs of confinement and veterinary care and examination.

6. As used in this section, “in close contact with an animal suspected or known to have rabies” means, within the past 180 days, to have been bitten, mouthed or mauled by, or closely confined on the same premises with, an animal ~~either~~ suspected or known to have rabies.

Sec. 10. NAC 441A.435 is hereby amended to read as follows:

441A.435 1. An owner of a dog, cat ~~;~~ or ferret shall maintain the dog, cat ~~;~~ or ferret currently vaccinated against rabies in accordance with the *provisions of this section and the* recommendations set forth in ~~The~~ *the* “Compendium of Animal Rabies Control,” *1998 edition*, ~~[, a publication of]~~ *published by* the National Association of State Public Health Veterinarians, Inc., which is hereby adopted by reference. ~~[“The Compendium of Animal Rabies Control”]~~ *The publication* is available, free of charge, from *the* Virginia Department of Health, Office of Epidemiology, 109 Governor Street, Room 701, Richmond, Virginia 23219.

2. *A dog or cat must be vaccinated against rabies every 3 years. The provisions of this subsection do not prohibit the vaccination of a dog or cat against rabies for a longer period if recommended in the “Compendium of Animal Rabies Control.”*

3. *A ferret must be vaccinated against rabies annually. The provisions of this subsection do not prohibit the vaccination of a ferret against rabies for a longer period if recommended in the “Compendium of Animal Rabies Control.”*

4. A licensed veterinarian may exempt a dog, cat ~~;~~ or ferret from vaccination for health reasons. The veterinarian shall record the reasons for *the* exemption and a specific description of the dog, cat ~~;~~ or ferret, including *the* name, age, sex, breed ~~;~~ and color on a rabies vaccination certificate which must bear the owner’s name and address. The veterinarian shall ~~also~~ record whether the reason for *the* exemption is permanent, and if it is not, the date the exemption expires.

~~{3.}~~ 5. A dog, cat ~~{,}~~ or ferret *that is* exempted from or *is* too young for vaccination against rabies must be confined to the premises of the owner or kept under physical restraint by the owner.

~~{4.}~~ 6. The owner shall not allow a *dog*, cat or ferret over 3 months of age to enter this state unless the owner has in his immediate possession written proof that the *dog*, cat or ferret is currently vaccinated against rabies or has an exemption for health reasons.

~~{5.}~~ 7. If the owner of a dog, cat ~~{,}~~ or ferret violates any provision of this section, the rabies control authority may impound the dog, cat or ferret.

~~{6.}~~ 8. The chief of the bureau of animal industry of the ~~{division of agriculture of the department of business and industry (state veterinarian)}~~ *state department of agriculture* shall review any revision or amendment of the recommendations for vaccination against rabies of dogs, cats ~~{,}~~ and ferrets set forth in “The Compendium of Animal Rabies Control,” to determine whether the revision or amendment made to the recommendations is appropriate for application in this state. For the purpose of enforcing the provisions of this section, a revision or amendment of the recommendations is effective in this state 10 days after its revision or amendment unless the chief of the bureau of animal industry of the ~~{division of agriculture of the department of business and industry (state veterinarian)}~~ *state department of agriculture* files an objection to the amendment or revision with the state board of health.

Sec. 11. NAC 441A.440 is hereby amended to read as follows:

441A.440 1. A veterinarian who vaccinates an animal against rabies shall complete ~~{two}~~ *three* copies of a certificate of vaccination against rabies for the animal vaccinated. The certificate of vaccination against rabies must include, but is not limited to:

(a) The name and address of the owner of the animal.

- (b) A description of the animal, including the name, age, sex, breed, color ~~[]~~ and weight of the animal.
- (c) The date the vaccination was administered.
- (d) The ~~[type]~~ *product name* of *the* vaccine used . ~~[(killed or MLV).]~~
- (e) The ~~[manufacturer and]~~ lot number of the vaccine.
- (f) The date the animal is due for revaccination based on the duration of immunity provided by the vaccine according to its label.
- (g) The number on the rabies vaccination tag issued pursuant to subsection 3.
- (h) The name and address of the veterinarian.
- (i) The signature of the veterinarian who administered the vaccine. *The signature may be handwritten, stamped or produced by a computer.*

2. The veterinarian shall ~~[give the]~~ :

(a) *Provide the* original copy of the certificate of vaccination ~~[against rabies]~~ to the owner of the animal;

(b) *Provide a copy of the certificate of vaccination to the rabies control authority;* and ~~[retain one]~~

(c) *Retain a copy of the certificate of vaccination* for the period that the vaccination is current.

3. A veterinarian who vaccinates an animal against rabies shall issue to the owner a metal rabies vaccination tag, serially numbered to match the number on the certificate of vaccination against rabies. A rabies vaccination tag must not conflict with the shape or color of local license tags.

4. A veterinarian shall cooperate with any investigation of an animal bite, or of a case having rabies or suspected case considered to have rabies by providing all information requested by the rabies control authority.