

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

SUBCHAPTER 140-10.3 COMMUNICABLE DISEASES RULES AND REGULATIONS

Part 001	General Provisions	§ 140-10.3-320	Director of Public
§ 140-10.3-001	Definitions	§ 140-10.3-325	Safety
Part 100	Duty to Report	§ 140-10.3-330	Disinfection of
§ 140-10.3-101	Duty to Report	§ 140-10.3-335	Premises
§ 140-10.3-105	Dispensaries, Hospitals, Private Clinics, Etc.	§ 140-10.3-340	Destruction of
§ 140-10.3-110	Laboratories	§ 140-10.3-345	Property
§ 140-10.3-115	Keeper of Boarding or Lodging Houses, Government Departments and Other Working Institutions	§ 140-10.3-350	Compensation
§ 140-10.3-120	Master of Vessel Captain of Aircraft	§ 140-10.3-355	Closing of Schools
Part 200	Investigation	§ 140-10.3-360	Disposal of Bodies
§ 140-10.3-201	Investigation	§ 140-10.3-365	Responsibility of
§ 140-10.3-205	Access to Records, Reports, Etc.	§ 140-10.3-370	Person in Charge of Minor
Part 300	Isolation and Quarantine; Other Requirements	§ 140-10.3-375	Willful Exposure
§ 140-10.3-301	Isolation and Quarantine; Regulations	§ 140-10.3-380	Concealing Disease
§ 140-10.3-305	Same; Authority of Director	§ 140-10.3-385	Vaccination and
§ 140-10.3-310	Placarding	§ 140-10.3-390	Immunization
§ 140-10.3-315	Violation of Isolation or Quarantine	§ 140-10.3-395	Prenatal Test
			Report as to Prenatal Test
			Prevention of
			Blindness at Childbirth
			Immunization Audit
			Same; Confidentiality
			Autopsy
			Part 400
			Penalties; Miscellaneous
			Provisions
			§ 140-10.3-401
			Penalty

Subchapter Authority: 1 CMC § 2605; 3 CMC § 2148.

Subchapter History: Amdts Adopted 25 Com. Reg. 21447 (Oct. 15, 2003); Amdts Emergency and Proposed 25 Com. Reg. 20248 (July 15, 2003) (effective for 120 days from June 25, 2003); Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(b) grants the Department the power and duty to minimize and control communicable disease. 1 CMC § 2605 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction, including quarantine of communicable disease and inspection. 1 CMC § 2605(n).

3 CMC § 2148 provides that persons suffering from contagious diseases, and persons exposed to such diseases, may be isolated and quarantined in accordance with regulations issued pursuant to Commonwealth Code, title 3, division 2.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

Part 001 - General Provisions

§ 140-10.3-001 Definitions

As used in this subchapter:

(a) “Communicable disease” includes any of the following diseases or conditions which are dangerous to public health:

- (1) Acquired immune deficiency syndrome (AIDS);
- (2) Amebiasis (amoebic dysentery);
- (3) Anthrax;
- (4) Brucellosis (undulant fever);
- (5) Chancroid;
- (6) Chickenpox;
- (7) Cholera;
- (8) Cholonorchiasis (liver-fluke);
- (9) Conjunctivitis, acute infectious (pink eye);
- (10) Dengue;
- (11) Diarrhea of newborn (epidemic infantile);
- (12) Diphtheria;
- (13) Encephalitis, primary (infectious);
- (14) Erysipelas;
- (15) Favus;
- (16) Filariasis;
- (17) Fish (ciguatera) poisoning;
- (18) Food poisoning (bacterial);
- (19) Glanders (farcy);
- (20) Gonorrhea;
- (21) Gonorrheal ophthalmia;
- (22) Granuloma inguinale;
- (23) Hemophilus influenza B.;
- (24) Hepatitis A (infectious);
- (25) HIV-seropositive condition;
- (26) Hepatitis B (serum);

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (27) Hepatitis C (serum);
- (28) Hookworm disease;
- (29) Impetigo contagious (in institution);
- (30) Influenza;
- (31) Japanese encephalitis;
- (32) Kerato-conjunctivitis (infectious);
- (33) Leprosy (Hansen's disease);
- (34) Leptospirosis (Wells disease or hemorrhagic jaundice);
- (35) Malaria;
- (36) Measles (rubella);
- (37) Melioidosis;
- (38) Meningitis, aseptic;
- (39) Meningitis, cerebrospinal (meningococcal);
- (40) Meningitis, other infectious;
- (41) Mononucleosis, infectious;
- (42) Mumps;
- (43) Paratyphoid fever;
- (44) Pertussis (whooping cough);
- (45) Plague;
- (46) Poliomyelitis, acute anterior (infantile paralysis);
- (47) Psittacosis-ornithosis;
- (48) Puerperal septicemia;
- (49) Rabies;
- (50) Relapsing fever;
- (51) Rheumatic fever (active);
- (52) Rickettsial disease;
- (53) Ringworm of the scalp (tinea capitis);
- (54) Rubella (German measles);
- (55) Salmonellosis;
- (56) Scabies;
- (57) Scarlet fever;
- (58) Septic sore throat (streptococcus);
- (59) Shigellosis (bacillary dysentery);
- (60) Smallpox;
- (61) Syphilis;
- (62) Tetanus;
- (63) Trachoma;
- (64) Trichinosis;
- (65) Tuberculosis (pulmonary);
- (66) Tuberculosis (other than pulmonary);
- (67) Tularemia;
- (68) Typhoid fever;
- (69) Typhus fever;
- (70) Yaws;
- (71) Yellow fever;
- (72) SARS (severe acute respiratory syndrome);

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(73) Any other disease deemed by the Secretary to be dangerous to the public health.

(b) “Isolation” means the separation of persons suffering from a communicable disease or carriers of such a disease from other persons for the period of communicability in such places and under such conditions as will prevent the transmission of the causative agent; and

(c) “Quarantine” means the limitation of freedom of movement of those who have been exposed to a communicable disease, whether a person or animal, for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent effective contacts with those not so exposed.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 25 Com. Reg. 21447 (Oct. 15, 2003); Amdts Emergency and Proposed 25 Com. Reg. 20248 (July 15, 2003) (effective for 120 days from June 25, 2003); Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The 2003 amendments added a new subsection (a)(72) and re-designated and amended (a)(73). In subsection (a)(3), the Commission corrected the spelling of “anthrax.” In subsections (a)(1) and (a)(19), the Commission inserted the final semi-colons. In subsections (a)(25) and (a)(58), the Commission changed the final periods to semi-colons. In subsection (a)(73), the Commission changed the final semi-colon to a period in order to ensure consistent punctuation in this section.

Part 100 - Duty to Report

§ 140-10.3-101 Duty to Report

Any person licensed or registered to practice any healing art under § 7 of PL 3-30 who has knowledge of or suspects the presence of any communicable disease or any other disease dangerous to the public health, shall report the same to the Director within forty-eight hours after diagnosis, unless a different time is prescribed by regulation, together with the name, age and sex of the person afflicted, the house or other place in which such person may be found, and such other information as may be required by regulation.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-105 Dispensaries, Hospitals, Private Clinics, Etc.

The superintendent, chief medical officer, nurse in charge or other person in charge of any hospital, clinic, dispensary, infirmary, medical aid station or other establishment providing medical care, either to the general public or otherwise, who has knowledge or suspected knowledge of the presence of any communicable disease or any other disease dangerous to the public health shall report the same to the Director in accordance with § 140-10.3-101. When the patient is hospitalized, the person in charge of the hospital in which he is hospitalized shall make

the report.

Modified, 1 CMC § 3806(c).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-110 Laboratories

The Director, administrator, chief officer or other person in charge of any laboratory, public or private, performing any tests or examinations upon persons or their blood, urine, feces, or any other body products shall, upon identification or suspected identification of an etiologic agent, antigen, antibody, or any other substance or combination of substances generally accepted as being diagnostic of the presence of a communicable disease, report same to the Director in accordance with § 140-10.3-101.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission deleted the repeated word “shall.” The Commission inserted commas after the words “feces” and “antibody” pursuant to 1 CMC § 3806(g).

§ 140-10.3-115 Keeper of Boarding or Lodging Houses, Government Departments and Other Working Institutions

Any owner, keeper, or other person in charge of the operation of a hotel, boarding house, or dormitory government departments and other working institutions shall immediately report to the Director the presence therein of any person he has reason to believe to be sick of, or to have died of any contagious, infectious, communicable, or other disease dangerous to the public health.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission inserted commas after the words “keeper,” “house,” and “communicable” pursuant to 1 CMC § 3806(g).

§ 140-10.3-120 Master of Vessel Captain of Aircraft

Any master of a vessel or captain of an aircraft, or ships shall immediately report to the Director or his representative the presence aboard such vessel or aircraft of any person he has reason to believe to be sick or to have died of any communicable disease.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Part 200 - Investigation

§ 140-10.3-201 Investigation

When a complaint is made or a reasonable belief exists that a communicable disease or other disease dangerous to the public health prevails in any house or elsewhere which has not been reported, the Director shall make an inspection for the purpose of discovering whether any such disease exists.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-205 Access to Records, Reports, Etc.

When the Director has reason to believe that a communicable disease exists but that full and complete information as required by § 140-10.3-101 of this subchapter has not been provided, the Director or his representative may examine any and all records or reports deemed necessary to fully investigate the disease.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Part 300 - Isolation and Quarantine; Other Requirements

§ 140-10.3-301 Isolation and Quarantine; Regulations

Isolation and quarantine shall be imposed in accordance with regulations. Such regulations shall designate the disease for which isolation or quarantine is necessary, and such other requirements concerning diagnosis, treatment, release and other pertinent matters as may be necessary.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-305 Same; Authority of Director

(a) Notwithstanding § 140-10.3-301, when a person has or is suspected of having or is suspected of being a carrier of any communicable disease or any other disease dangerous to the public health, the Director may impose isolation on such person and may impose quarantine on anyone who has had contact with such person. The extent and duration of isolation and quarantine imposed in a given case and release therefrom shall be within the discretion of the Director depending upon the disease. The Director may, in his discretion, determine the persons subject to isolation and quarantine, specify the places or areas to which or in which they are

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

restricted in their movements, prescribe other conditions and requirements to be observed, decide the duration of isolation and quarantine and release therefrom and issue other necessary instructions. He shall insure that provisions are made for medical observation of such persons as frequently as necessary during isolation and quarantine. He may, in his discretion, terminate isolation and quarantine or amend the degree thereof and other restrictions imposed in connection therewith at any time.

(b) When a person has or is suspected of having or is suspected of being a carrier of any communicable disease or any other disease dangerous to the public health, the Director may, in his discretion and for the safety of the public, remove such person, with or without his consent, to a licensed hospital or other designated premises for the purpose of isolation and treatment until the disease is no longer communicable by such person. If the Director should determine that removal of such person is not practicable, such person may be allowed to remain where he is and the Director may take such measures as he may deem advisable to provide for his care for the public health by way of isolation and quarantine.

Modified, 1 CMC § 3806(c).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-310 Placarding

When a person has been isolated or quarantine and is restricted thereby to his residence or other building, the Director may place in a conspicuous position on the exterior of the premises when such person is isolated or quarantine a placard having printed on it in large letter the name of the disease and warning all unauthorized persons to remain off the premises. Such placard shall be in English and Chamorro and in any other languages the Director deems appropriate. No person shall remove, deface, or destroy such placard until authorized by the Director. Except as authorized by the Director or regulation, no person shall enter or leave any premises which has been placarded.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission inserted a comma after the word “deface” pursuant to 1 CMC § 3806(g).

§ 140-10.3-315 Violation of Isolation or Quarantine

No person who has been isolated or quarantined shall leave the premises or area to which he has been restricted without the written permission of the Director until he has been released from such isolation or quarantine.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-320 Director of Public Safety

Upon the request of the Director, it shall be the duty of the Director of Public Safety to act and assist in the enforcement of isolation and quarantine, using such force as may be reasonably necessary.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-325 Disinfection of Premises

The Director may, if he deems it advisable, order the premises and content thereof in which any person has been ill or has died of a communicable disease or any other room, building, premises or area, any contents thereof, which may be infective by contact with any communicable disease, to be disinfected and purified in such manner as he may direct. It shall be the duty of the owner or occupant or such premises to comply with any such order.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-330 Destruction of Property

The Director may destroy any infective clothing, bedding or to* other article which cannot be made safe by disinfection. He shall furnish to the owner thereof a receipt showing the number, character, condition and estimated value of the article so destroyed. A copy of such receipt shall be retained by the Director.

* So in original.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-335 Compensation

Upon the presentation of the original receipt for articles destroyed under § 140-10.3-330 and approval by the Attorney General, the Director shall pay to the owner of such property, out of such appropriations of the Department of Public Health and Environmental Services as may be available, the value of such destroyed articles.

Modified, 1 CMC § 3806(c).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Commission Comment: With respect to the reference to the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994). See also the general commission comment to this chapter.

§ 140-10.3-340 Closing of Schools

During an epidemic or threatening epidemic or when a dangerous communicable disease is unusually prevalent, the Director may close any public or private school and prohibit any public or private gathering for such time as may be necessary in the interests of the public health.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-345 Disposal of Bodies

The Director, in his discretion, may require that the body of a person, who has died of a communicable disease or any other disease dangerous to the public health, be buried or cremated immediately or within such period of time and in conformity with such procedures for the protection of the public health, as he may designate.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-350 Responsibility of Person in Charge of Minor

Where any person suffering from a communicable disease is required to remain isolated or quarantine or to do or refrain from doing any act or thing whereby spread of the disease may be enhanced and such person because of his tender age or of physical or mental disability is unable to comprehend or comply with such requirements, it shall be the duty of the parent, guardian, or other person, including any attendant having such patient under his care, custody, or control to comply or cause compliance with the isolation or quarantine so imposed and pertinent provisions of this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission inserted commas after the words “guardian” and “custody” pursuant to 1 CMC § 3806(g).

§ 140-10.3-355 Willful Exposure

No person having a communicable disease or any other disease dangerous to the public health or being in charge of any other person afflicted with such a disease, shall willfully expose himself or such person in any public place, street, or highway except as may be authorized by the

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Director.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission inserted a comma after the word “street” pursuant to 1 CMC § 3806(g).

§ 140-10.3-360 Concealing Disease

No person shall conceal any person having any communicable disease or any other disease dangerous to the public health, including any sexual transmitted disease. No parent, guardian, or other person having custody or care of a minor child shall conceal the fact of a minor child having any such disease.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission inserted a comma after the word “guardian” pursuant to 1 CMC § 3806(g).

§ 140-10.3-365 Vaccination and Immunization

No child shall be enrolled in any public or private school within the Commonwealth unless evidence is presented to the enrolling officer that the child has had all such vaccinations or immunizations, including but not limited to diphtheria, pertussis, tetanus, polio, measles (rubeola), mumps and rubella (German measles, hepatitis B) or against other communicable disease as the Director shall, by regulation, require, except that exemption may be granted upon certification by a parent or legal guardian that such vaccination or immunization would be against their religious belief or a child that has been certified by a licensed medical doctor that said child shall be exempt from this section where medical contraindication to receiving a specific vaccine exists. The Director may require vaccination and immunization of any person or persons suspected as carriers of a communicable disease upon entering or leaving the Commonwealth which the Director believes may present a risk to the public health of the Commonwealth. The Director, in case of an epidemic or to control a possible epidemic of a communicable disease, may direct that the general population be vaccinated and immunized against said disease.

Modified, 1 CMC § 3806(f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-370 Prenatal Test

Any licensed or registered physician attending a pregnant woman for condition relating to her pregnancy during this period of gestation or at delivery shall take or cause to be taken a sample of the blood of such woman and submit such sample to the Department of Public Health and

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Environmental Services laboratory or other laboratory approved by the Director for a standard serologic test for syphilis. Any other person permitted by law to attend pregnant women, but not permitted by law to take blood samples, shall cause a sample of blood of every pregnant woman attended by him to be taken by a duly licensed or registered physician or at the Department of Public Health and Environmental Services laboratory approved by the Director for a standard serologic test for syphilis. Such samples of blood shall be taken at the time of the first visit of the pregnant woman or within fourteen days thereafter. Every pregnant woman shall permit such samples of her blood to be taken as provided in this section.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: With respect to the reference to the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994). See also the general commission comment to this chapter.

§ 140-10.3-375 Report as to Prenatal Test

In reporting any birth or stillbirth, any physician or other person required to make such reports shall state in a report accompanying the certificate whether, according to his knowledge or information, a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which the birth or date when the specimen was taken. The Director is authorized to investigate the circumstances surrounding the birth of any baby on whose mother no serologic test, as required by the provision of this subchapter, appears to have been taken.

Modified, 1 CMC § 3806(d).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-380 Prevention of Blindness at Childbirth

Any physician, midwife, or any other person in attendance at childbirth immediately after birth shall administer (1%) silver nitrate solution to both eyes of the newborn child. Preparations other than one percent silver nitrate may be used only on approval of the Director and subject to such conditions and restrictions as the Director may impose.

Modified, 1 CMC § 3806(e).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission inserted a comma after the word “midwife” pursuant to 1 CMC § 3806(g).

§ 140-10.3-385 Immunization Audit

Annually, the Director shall conduct an immunization audit. The sample audits shall be private clinic records and private physicians' record to determine if:

- (a) One consolidated immunization records is posted on the inside front cover of the patient's medical record if the patient is under the age of eighteen, and
- (b) That the record of any child found to be deficient in immunizations indicates:
 - (1) That progress towards immunization is being made;
 - (2) A record of scheduled return appointment for the child; or
 - (3) A reason for the lack of immunization.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

§ 140-10.3-390 Same; Confidentiality

The immunization audit shall be done by the Director who may delegate his duty to the Immunization Coordinator of the Division of Public Health. The Director shall be responsible for assuring the confidentiality of individual patient record is preserved. The Department of Public Health and Environmental Services shall be responsible for compiling statistics of the audit.

Modified, 1 CMC § 3806(g).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Commission Comment: The Commission deleted the word "a" before "statistics of the audit."

With respect to the reference to the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994). See also the general commission comment to this chapter.

§ 140-10.3-395 Autopsy

The Director may order an autopsy to determine if the deceased died of a communicable disease or whenever, in his discretion, the public interest justifies it.

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).

Part 400 - Penalties; Miscellaneous Provisions

§ 140-10.3-401 Penalty

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

A person who violates any of the provisions of this subchapter or regulations issued pursuant thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or imprisoned for not more than one year, or both.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 15 Com. Reg. 11091 (Nov. 15, 1993); Emergency and Adopted 15 Com. Reg. 11074 (Nov. 15, 1993) (effective for 120 days from Oct. 26, 1993); Adopted 15 Com. Reg. 10706 (June 15, 1993); Proposed 13 Com. Reg. 7858 (Sept. 15, 1991).