

ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
OFFICE OF GENERAL COUNSEL
ADMINISTRATIVE CODE

CHAPTER 420-1-5
ORGANIZATION AND OPERATION OF THE STATE BOARD OF HEALTH

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420-1-5-.01 Function.

The State Board of Health was constituted by Code of Ala. 1975, §22-2-1, and is charged with the responsibility for safeguarding the public health through enforcement of the public health laws of the State of Alabama and other means as enumerated in §22-2-2. The terms State Board of Health, State Committee of Public Health, State Department of Public Health, and State Health Officer are used interchangeably except where the context prohibits.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-2-11, 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2010.

420-1-5-.02 Organization.

(1) Location. The State Board of Health and its administrative arm, the Department of Public Health, have central offices located in the RSA Tower, 201 Monroe Street, Montgomery, Alabama 36104. Mailings are to be sent to Post Office Box 303017, Montgomery, Alabama 36130-3017. Office hours are 8 a.m. to 5 p.m., Monday through Friday, official state holidays excluded.

(2) Composition of the Board. The Medical Association of the State of Alabama is the State Board of Health. The Board functions through the State Committee of Public Health as constituted by Code of Ala. 1975, §22-2-4, which is composed of 12 members of the Medical Association of the State of Alabama and the chairman of each of four councils provided for by statute. The 16 members function under the leadership of a chairman and a vice chairman elected by the membership for a term of four (4) years.

(3) Meetings. The State Committee of Public Health meets monthly. Agendas are available to any interested persons not less than seven days in advance of the meeting, if available, in accordance with the Alabama Open Meetings Act. All meetings will be open to the public unless closed in accordance with the Alabama Open Meetings Act. Meetings are conducted in accordance with The Standard Code of Parliamentary Procedure, 4th edition.

(4) Minutes of the Committee meetings are prepared and are available at the Board of Health offices for inspection during regular business hours.

(5) The Organizational Chart set out on the World Wide Web at <http://www.adph.org> is not a rule but is provided as a guide to the Department's organization. Such is subject to change without notice by the State Health Officer or State Board of Health.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-1, 22-2-2, 22-2-4, 22-2-5, 22-2-6, 22-2-9, 22-2-10, 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2010.

420-1-5-.03 Administration.

The Committee of Public Health elects an executive officer who is known as the State Health Officer and who is responsible for the day-to-day administration of the Board's activities. The Department of Public Health is composed of numerous offices, bureaus, divisions, and public health areas which answer directly to the State Health Officer.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-8, 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2010.

420-1-5-.04 Open Records.

(1) All public records of the State Board of Health are available for public inspection during business hours. Requests for such records may be made by Alabama citizens either electronically, by

mail, or in person, pursuant to the provisions of the Alabama Open Records Act, Code of Ala. 1975, §36-12-40.

(a) Copies of meeting minutes, department forms, bureau records, and county health department records maintained in hard copy may be obtained at a cost of \$20 per hour, including a standard, minimum fee of \$20, for time spent locating, retrieving, and preparing records for production. Unless otherwise provided by law or rule, requestors will also be charged a per-page fee of \$.50 for copies produced on standard 8.5 x 11 paper. This charge may be waived in the case of requests by governmental agencies or indigent persons.

(b) Copies of records maintained electronically, including messages and attachments exchanged via electronic mail, or for record searches related to extraordinary events, such as public health emergencies of any kind, may be obtained at a cost of \$20 per hour, including a standard, minimum fee of \$20, for time spent locating, retrieving, and preparing records for production, unless otherwise provided by law or rule. There is no per-page charge for records obtained and provided electronically. Copies of records pertaining to extraordinary events may be provided to members of the press who are not citizens of the state, subject to the requested charge.

(c) The department will send a written acknowledgment of receipt of a request for public records within 2 business days. Responses to standard requests that seek one or more specifically and discretely identified public records that the department determines would take less than 8 hours of staff time to process and require no or minimal clarification from the requestor will be provided within 15 business days of the acknowledgement of receipt. If additional time is required, the department may extend this period in 15-business day increments upon written notice to the requestor.

(d) Requestors will be notified within 15 business days of the acknowledgment of receipt if the department determines that a request is time-intensive, requiring more than 8 hours of staff time to process, including vague or overly broad requests and any time needed to redact or take other measures to withhold legally protected information. At that time, the department will provide notice of any likely fees and allow the requestor to withdraw the time-intensive request and submit a new request that is not time-intensive. If the requestor elects to proceed with the time-intensive request, the department will provide a substantive response fulfilling or denying the request within 45 business days after the election to proceed. If additional time is required, the department may extend this period in 45-business day increments upon written notice to the requestor.

(2) Medical or clinic records, notifiable disease records, records of epidemiological investigations, investigative records of the Bureau of Health Provider Standards or records that are proprietary by statute, case law, rule or custom are not "public records" per se and are not open to the public inspection. Release of records by subpoena in civil or criminal actions are governed by individual statutes or court rules.

(3) Charge for response to subpoenas - In accordance with Rule 45(a)(3)(c) Alabama Rules of Civil Procedure, a reasonable charge may be requested for response to subpoenas. Such records shall be obtained at a cost of a \$5 retrieval fee plus \$1 per page for the first 25 pages and \$.50 for every page thereafter unless otherwise provided by law or rule.

(4) Nothing in the rule is intended to require that information defined by 45 CFR, Parts 160 and 164 as "protected health information" or that information otherwise protected as confidential by rule or statute, be made available to the public. All questions as to whether a particular document or class of information is public or confidential should be referred to the Office of General Counsel.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§13A-14-2, 22-2-2(6), 41-22-4.

History: Filed July 20, 1990. **Amended:** Filed January 15, 2003; effective February 19, 2003. **Amended:** Filed April 21, 2004; effective May 26, 2004. **Amended:** Filed December 17, 2009; effective January 21, 2010. **Amended:** Published June 30, 2021; effective August 14, 2021. Published May 31, 2023; effective July 15, 2023.

420-1-5-.05 Forms.

Appropriate official forms of the Department of Public Health are available from the bureau or division administering the program or the area health officer. Forms used in locally administered programs are available from the local health department, the office of the State Health Officer or the appropriate state program office.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-2, 41-22-2.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2010.

420-1-5-.06 Agency Secretary For Administrative Procedures.

(1) The General Counsel of the Department of Public Health, whose office is located at 201 Monroe Street, Suite 1540, Montgomery,

Alabama 36104, will serve as the Agency Secretary for Administrative Procedures. Mailings to the Agency Secretary are to be sent to Post Office Box 303017, Montgomery, Alabama 36130-3017.

(2) The duties of the Agency Secretary include the following:

(a) Sign and file certified copies of all rules with the Legislative Reference Service;

(b) Receive, docket and maintain an updated file on all rules, amendments or repeal of rules;

(c) Keep a permanent register of all rules for public inspection and copying;

(d) Establish and maintain the State Board of Health Administrative Code;

(e) Maintain a case accounting system.

(f) By policy, provide for subscription services to the Rules of the State Board of Health.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §41-22-6.

History: Filed July 20, 1990. **Amended:** Filed December 17, 2009; effective January 21, 2010.

420-1-5-.07 County Board Of Health Rules.

All County Board of Health rules shall be filed with the Agency Secretary 30 days prior to adoption and shall not conflict with existing State Board of Health rules concerning the same subject matter.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-2-2(1)(6)(7); 22-3-2.

History: Filed July 20, 1990. **Repealed and New Rule:** Filed December 17, 2009; effective January 21, 2010.

420-1-5-.08 State Level Fees.

Notwithstanding any rule provision previously adopted by the State Board of Health, pursuant to Code of Ala. 1975, §§22-11A-42 and 41-1-11, the Department of Public Health shall collect fees for the services as set out below.

(1) Bureau of Environmental Services

(a) Lead Hazard Reduction Contractor Certification

1. Initial Application Fee -- \$300
2. Annual Renewal Fee -- \$240
3. Replacement Certificate Fee -- \$30
4. Project Fees:
 - (i) Residential Dwelling Unit -- \$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600. For projects exceeding 5 residential dwelling units, the fee shall be \$600 plus 2 percent (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.
 - (ii) Child Occupied Facilities -- \$300 for each child occupied facility plus 2 percent (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.
 - (iii) Combined Mixed Use Project. (Project which contains both residential dwelling units and child occupied facilities): \$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600, \$300 for each child occupied facility, plus 2 percent (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

(b) Lead Renovation Contractor Certification

1. Initial Application Fee -- \$300
2. Annual Renewal Fee -- \$300
3. Replacement Certificate Fee -- \$30

(c) Milk, Milk Products or Frozen Dessert Processing Plant Permit; Initial Application and Annual Renewal Fee -- \$300

(d) Performance/Operational Permit for Cluster Wastewater Systems utilizing a Certified Management Entity; Initial Application, Modification and 5-Year Renewal Fee -- \$2,500

(2) Bureau of Health Provider Standards

(a) Health Care Facility License (excluding Assisted Living Facilities and Specialty Care Assisted Living Facilities):

1. Initial Application and Annual Renewal Fee -- \$240, plus a fee of \$6 per bed for each bed over 10 beds.

2. Increase in Bed Capacity during Calendar Year -- \$240, plus \$6 each for the net gain in beds.

(b) Assisted Living Facility and Specialty Care Assisted Living Facility Initial Application and Annual Renewal Fee -- \$240, plus a fee of \$18 for each bed.

(c) Late Penalty for Annual Renewal -- \$300 or 100 percent of the renewal fee, whichever is greater.

(d) Health Care Facility Plan Review Fees:

1. Initial Fee Accompanying First Drawing Submittal -- \$600

2. Total Fee:

Construction Cost	Fee (% of Construction Cost)
Up to \$100,000	Greater of \$600 or 1.44%
\$100,001-\$1,000,000	Greater of \$1,440 or 0.6%
\$1,000,001-\$5,000,000	Greater of \$6,000 or 0.24%
\$5,000,001-\$15,000,000	Greater of \$12,000 or 0.12%
Over \$15,000,000	\$18,000

(3) Office of Emergency Medical Services

(a) Individual Emergency Medical Services Personnel 24-Month License (Initial Application and Renewal) -- \$40

(b) Air or Ground Provider Service 12-Month License (Initial Application and Renewal) -- \$100

(4) Bureau of Clinical Laboratories

Procedure Code	Hybrid Name	Test Name in Horizon Laboratory Information Management System	Rate
0010U	Infectious bacterial disease, whole genome sequencing	Enteric Whole Genome Sequencing	\$640.89
80048	80048 - Blood chemistry analysis	Basic Metabolic Panel	\$16.50

80051	80051 - Blood chemistry analysis	Electrolyte Panel	\$12.00
80053	80053 - Blood chemistry analysis	Comprehensive Metabolic Panel	\$18.00
80061	80061 - Blood chemistry analysis	Lipid Panel	\$22.32
80069	80069 - Blood chemistry analysis	Renal Function Panel	\$14.48
80076	80076 - Blood chemistry analysis	Hepatic Function Panel	\$13.62
82040	82040 - Blood chemistry analysis	Albumin	\$8.25
82150	82150 - Blood chemistry analysis	Amylase	\$10.80
82247	82247 - Blood chemistry analysis	Bilirubin, Total	\$8.36
82248	82248 - Blood chemistry analysis	Bilirubin, Direct	\$8.36
82310	82310 - Blood chemistry analysis	Calcium	\$8.60
82465	82465 - Blood chemistry analysis	Total Cholesterol	\$7.50
82565	82565 - Blood chemistry analysis	Creatinine	\$9.00
82728	82728 - Blood chemistry analysis	Ferritin	\$22.73
82947	82947 - Blood chemistry analysis	Glucose	\$6.56

82977	82977 - Blood chemistry analysis	GGTP	\$12.00
83540	83540 - Blood chemistry analysis	Iron	\$10.79
83550	83550 - Blood chemistry analysis	IBC (part of MAP Panel)	\$15.00
83615	83615 - Blood chemistry analysis	LDH	\$10.07
83655	83655 - Lead	Blood Lead	\$22.50
83718	83718 - Blood chemistry analysis	HDL Cholesterol	\$13.65
83721	83721 - Blood chemistry analysis	LDL Cholesterol	\$15.90
84075	84075 - Blood chemistry analysis	Alkaline Phosphate	\$9.00
84100	84100 - Blood chemistry analysis	Phosphorus	\$7.91
84155	84155 - Blood chemistry analysis	Protein, Total	\$6.11
84436	84436- Blood chemistry analysis	Thyroxine, Total (part of Thyroid Panel)	\$11.45
84443	84443 -Blood chemistry analysis	TSH (part of Thyroid Panel)	\$34.40
84450	84450 - Blood chemistry analysis	AST (SGOT)	\$9.00
84460	84460 - Blood chemistry analysis	ALT (SGTP)	\$10.50

84478	84478 - Blood chemistry analysis	Triglycerides	\$10.50
84479	84479- Blood chemistry analysis	T Uptake (part of Thyroid Panel)	\$10.77
84520	84520 - Blood chemistry analysis	BUN (Urea Nitrogen)	\$7.50
84550	84550 - Blood chemistry analysis	Uric Acid	\$10.08
85025	85025 - CBC with differential	CBC with Differential	\$15.00
85027	85027 - CBC	CBC	\$10.77
86360	86360 - Blood lymphocyte count	Lymphocyte Subset (with or without %)	\$87.00
86592	86592 - Syphilis qualitative	RPR Automated	\$7.50
86593	86593 - Syphilis quantitative	RPR Dilution Automated	\$7.50
86618	Lyme disease total antibody	Borrelia burgdorferi Antibody	\$28.38
86701	86701 - HIV-1	HIV-1/2 Geenius	\$16.50
86702	86702 - HIV-2	HIV-1/2 Geenius	\$25.50
86706	86706 - HBsAb	Hep B Surf Antibody	\$18.00
86709	86709-Hepatitis A IGM Antibody	Hepatitis A Antibody, IgM	\$21.00

86780	86780 - TPPA	Syphilis Screen	\$24.00
86788	86788 - West Nile virus IgM	West Nile Virus	\$28.08
86789	86789 - West Nile virus antibody	West Nile Virus	\$23.99
86790	Virus antibody, not otherwise specified	Chikungunya IgM	\$24.00
86794	Zika virus IM antibody	Zika IgM (and other flavivirus)	\$28.08
86803	86803-Hepatitis C AB test	Hep C Antibody (Anti-HCV)	\$24.00
87015	87015 - Concentration	TB Smear and Culture	\$11.13
87040	87040 - Aerobic bacterial culture	Bordetella Culture	\$17.21
87045	87045 - Aerobic isolation stool	Enteric Fecal Screen	\$16.50
87046	87046 - Aerobic culture stool	E. coli O157 Confirmation, E. coli Screen	\$15.74
87070	87070 - Isolate identification	Legionella Culture Screen, Positive Gonorrhea Culture	\$16.50
87076	87076 - Anaerobic isolate	Anaerobic Identification	\$15.00

87077	87077 - Aerobic identification	Biochemicals (TB Biochemicals, Aerobic Identification, Bordetella Culture, E. coli O157 Confirmation, E. coli Screen, Haemophilus ducreyi, Haemophilus influenzae Confirmation, Legionella Culture Screen, Neisseria meningitidis, Positive Gonorrhea Culture, Salmonella, Shigella, ShigaToxin Screen & Isolation, Vibriosis Confirmation)	\$13.46
87081	87081 - Culture	Legionella Culture Screen	\$12.00
87086	87086 - Culture with quantitative count	Urine Culture (Streak)	\$15.00
87088	87088 - Culture identification	Urine Culture (Isolation)	\$15.00
87101	87101 - Culture of mold/yeast	Fungal Scalp	\$13.50
87102	87102 - Culture of mold/yeast	Routine Mycology	\$14.01
87103	87103 - Blood mycology	Blood Routine Mycology	\$30.69
87106	87106 - Culture of fungi/yeast	Mycology Cultures	\$17.21
87107	87107 - Culture of mold	Fungal Scalp	\$17.21
87116	87116 - Mycobacteria, presumptive culture	TB Culture (negative growth)	\$18.00
87118	87118 - Mycobacteria, confirmatory culture	TB Culture (positive growth), TB MALDI Assay	\$21.92

87147	87147 - Immunologic method	E. coli O157 Confirmation, E. coli Screen, Haemophilus influenzae Confirmation, Neisseria meningitidis, Salmonella, General Micro Serotype, Shigella, Shiga Toxin Screen & Isolation	\$8.63
87150	87150 - Nucleic acid amp probe, per culture/isolate	Bacillus PCR, Blood Parasites, Bordetella pertussis PCR, Brucella PCR, Burkholderia PCR, CRE/CRPA (GeneXpert Carba-R), Dengue, Francisella PCR, General PCR, Haemophilus influenza PCR (Tests for 7 types), Neisseria meningitidis PCR, Norovirus PCR, TB PCR, Yersinia PCR	\$58.49
87152	Culture, pulse field gel	PFGE	\$11.61
87153	DNA/RNA Sequencing identification	16S sequencing, Norovirus sequencing	\$192.26
87172	87172 - Pinworm exam	Pinworm	\$7.13
87177	87177 - Parasites smear and identification	Ova and Parasitology	\$14.84
87186	87186 - Microdilution	Urine Culture ID (Enterococci Sensitivity, Enterobacteriaceae, Non-enterococcal Strep Sens, Pseudomonas Sensitivity, Staphylococci)	\$14.42
87187	Microbe susceptible microdilution/agar dilution	CRE/CRPA Susceptibility, Agar Diffusion	\$60.26
87188	87188 - Macrobroth dilution sensitivity	TB Sensitivity (AST)	\$12.00
87190	87190 - Mycobacteria sensitivity	TB Sensitivity (Direct/Indirect)	\$10.97

87205	87205 - Smear/stain	Gram Stain	\$7.50
87206	87206 - Acid fast stain	TB Smear and Culture, Kinyoun Stain, Bordetella Smear, FA Stain Microbiology, Ova and Parasitology	\$8.99
87207	87207 - Parasites stain	Blood Parasites	\$10.50
87209	87209 - Complex stain	Ova and Parasitology	\$29.96
87210	87210 - Wet mount	Mycology Cultures	\$8.73
87230	Toxin assays	Botulinum Toxin Mouse Bioassay (One per mouse; 2-10), Ricin TRF	\$32.90
87340	87340 - HBsAg	Hep B Surf Antigen	\$19.50
87341	87341 - HBsAg neutralization	Hepatitis Neutralization	\$17.22
87389	87389 - HIV-1 Ag with HIV-1/2 Ab	HIV Screen Ag-Ab Bioplex	\$40.13
87390	87390-HIV-1 AG IA	HIV-1/2 Geenius	\$36.09
87427	87427 - Shiga-like toxin	Enteric Fecal Screen	\$19.98
87501	Influenza DNA amplified probe	Influenza PCR (Tests for 2-8 types)	\$85.53
87507	GI pathogens, multiplex amplified probe, 12-25 targets	GI Panel (BioFire)	\$694.64
87522	87522-Hepatitis C Revrs	Hepatitis C Viral Load	\$71.40

87535	87535 - HIV-1 amplified probe	HIV-1 Conf of HIV-SCRN (HIV-1 RNA Qualitative Assay)	\$58.49
87536	87536 - HIV-1 quantification	HIV Viral Load	\$141.83
87550	87550 - Mycobacteria direct probe	Kansasii Probe, Gordonii Probe	\$37.50
87555	87555 - Mycobacteria direct probe	TB Probe	\$40.32
87560	87560 - Mycobacteria avium probe	Avium Probe	\$40.94
87633	87633 - Respiratory virus amplified probe	Respiratory Panel Biofire PCR	\$694.64
87661	87661 - Nucleic acid amplified probe	TV	\$58.49
87797	Infectious Agent, nucleic acid direct probe, not otherwise specified	VZV PCR	\$45.05
87798	Infectious Agent, nucleic acid amplified probe, not otherwise specified	Botulinum PCR (Tests for 7 types), Coxiella PCR, Ebola PCR, Middle Eastern Respiratory Syndrome Coronavirus (MERS-CoV), Non-variola orthopoxvirus PCR, Norovirus PCR (Test for 2 types), Orthopoxvirus PCR	\$58.49
87801	87801 - Nucleic acid amplified probe, multiple organisms	CT & GC, Arbovirus Trioplex PCR (Tests for 3 viruses), Bordetella PCR (Tests for 3 organisms), Plasmodium (Tests for 4 organisms)	\$116.99
87901	87901 - HIV-1 reverse transcriptase	HIV Genotyping	\$429.08
81220	81220 - NBS CFDNA		\$1,800.00

81479	81479- Molecular Pathology Procedure- NBS-SCID		\$2,692.50
82010	82010 - NBS Acetone serum quant		\$15.14
82017	82017 - NBS Acylcarnitines quant		\$34.52
82131	82131 - NBS Amino acids single quant		\$34.52
82139	82139 - NBS Amino acids multi quant		\$34.52
82261	82261 - NBS Biotinidase		\$34.52
82379	82379 - NBS Carnitine total/ free quant		\$34.52
82775	82775 - NBS Galactosemia		\$43.11
83021	83021 - NBS Hemoglobin Frac/ Quant		\$36.95
83498	83498 - NBS CAH		\$55.61
83520	83520 - NBS IRT		\$26.49
84437	84437 - NBS Thyroxine		\$13.25
84443	84443 - NBS TSH		\$34.40

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§22-11A-42, 41-1-11.

History: **New Rule:** Filed June 15, 2016; effective July 30, 2016.

Amended: Published April 30, 2020; effective June 14, 2020.

Amended: Filed January 19, 2023; effective May 15, 2023.

420-1-5-.09 State Health Orders.

Author: P. Brian Hale

Statutory Authority: Code of Ala. 1975, §§ 22-2-2, 22-2-5, 22-2-8, 41-22-4.

History: New Rule: Published February 29, 2024; effective April 14, 2024.

420-1-5-A Appendix A.

ORGANIZATION OF THE ALABAMA DEPARTMENT OF PUBLIC HEALTH

REPEALED (1/21/10)

Author:

Statutory Authority: Code of Ala. 1975, §§22-21-20 et seq.

History: Repealed and Replaced: Filed November 20, 1996; effective December 24, 1996. **Amended:** Filed June 20, 1997; effective July 25, 1997. **Repealed:** Filed December 17, 2009; effective January 21, 2010.