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# STATE HEALTH DEPARTMENT NOTIFIABLE DISEASES/CONDITIONS IN NEW MEXICO (7 NMAC 4.3.12)

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## **7 NMAC 4.3.1 ISSUING AGENCY**

New Mexico Department of Health. [10-04-72,12-20-79,04-15-93; 10-31-96]

## **7 NMAC 4.3.2 SCOPE**

*All physicians, laboratories, health care professionals, and other persons having knowledge of disease or illness covered by these regulations. [10-04-72,12-20-79; 10-31-96]*

## **7 NMAC 4.3.3 STATUTORY AUTHORITY**

These provisions set forth herein are promulgated by the Secretary of the Department of Health by authority of Section 9-7-6(E) NMSA 1978 and in conformity with the Public Health Act, particularly Sections 24-1-3, 24-1-7, 24-1-8, and 24-1-15 NMSA 1978. Administration and enforcement of these regulations are the responsibility of the Office of Epidemiology of the Department of Health. [12-20-79; 10-31-96, 1-15-98]

## **7 NMAC 4.3.4 DURATION**

Permanent. [10-31-96]

## **7 NMAC 4.3.5 EFFECTIVE DATE**

October 31, 1996, unless a later date is cited at the end of a section or paragraph. [10-31-96]

## **7 NMAC 4.3.6 OBJECTIVE**

The essential objective of these regulations are the control of communicable disease and conditions of public health significance through the prompt identification of disease, notification of responsible health authorities, and institution of preventive and ameliorative measures. [12-20-79; 10-31-96, 1-1-2000]

## **7 NMAC 4.3.7 DEFINITIONS**

As used in these provisions, the following terms shall have the meaning given to them, except where the context clearly requires otherwise. [12-20-79; 10-31-96]

**7.1. "Cancer" means all malignant neoplasms and all intracranial neoplasms, regardless of the tissue of origin. [12-20-79, 10-31-96; N, 1-1-2000]**

**7.2. "Cancer Registry" means the New Mexico Tumor Registry, located at the University of New Mexico Health Sciences Center. [12-20-79, 10-31-96; N, 1-1-2000]**

7.3 "Carrier" means an infected person or animal that harbors a specific infectious agent without clinical symptoms and that serves as a potential source of infection for humans. [12-20-79, 10-31-96; Rn, 7 NMAC 4.3.7.1, 1-1-2000]

7.4 "Communicable disease" means an illness caused by infectious agents or their toxic products which may be transmitted to a susceptible host. [12-20-79, 10-31-96; R 1-1-2000; Rn, 7 NMAC 4.3.7.3, 1-1-2000]

7.5 "Condition of public health significance" means a condition dangerous to public health or safety [12-20-79, 10-31-96; Rn, 7 NMAC 4.3.7.2, 1-1-2000, A, 1-1-2000]

7.6 "District Health Officer" means the physician designated by the Public Health Division of the Department of Health to be responsible for all state public health activities in any health district. [12-20-79, 10-31-96, 1-15-98; Rn, 7 NMAC 4.3.7.5, 1-1-2000]

7.7 "Health care professional" means any licensed doctor of medicine or osteopathy, nurse, physician's assistant, midwife, or other licensed health care provider unless the context clearly requires otherwise. [12-20-79, 10-31-96; R 1-1-2000; Rn, 7 NMAC 4.3.7.13, 1-1-2000, A, 1-1-2000]

7.8 "Isolation, Detention or Quarantine" means the complete separation or partial restriction of movement and association in such manner and for such period as will prevent the direct and indirect transmission of the infectious agent. [12-20-79; 10-31-96; R 1-1-2000; Rn, 7 NMAC 4.3.7.9, 1-1-2000, A, 1-1-2000]

7.9 "Laboratory" means the Scientific Laboratory Division of the Department of Health or any other laboratory which performs diagnostic tests on specimens obtained from New Mexico sources or from sources having significant epidemiological contact with New Mexico, for diseases and conditions covered by these regulations. [12-20-79, 10-31-96; Rn, 7 NMAC 4.3.7.10, 1-1-2000]

7.10 "Notifiable condition" means a communicable disease or condition of public health significance required by statute or these regulations to be reported to the Office. [12-20-79, 10-31-96; Rn, 7 NMAC 4.3.7.11, 1-1-2000 A, 1-1-2000]

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7.11 "Office" means the Office of Epidemiology of the Department of Health, P.O. Box 26110, Santa Fe, NM 87502-6110. [12-20-79, 10-31-96, 1-15-98; Rn, 7 NMAC 4.3.7.6, 1-1-2000]

7.12 "Other person" includes but is not limited to: a laboratory; an official in charge of any health facility; hospital records or administrative personnel; the principal or person in charge of any private or public school, or child care center, teachers and school nurses; and a householder or any other person, in the absence of a physician having direct knowledge of communicable disease or condition of public health significance. [12-20-79; 10-31-96]

7.13 "Report" means a notification to the Office which indicates the disease being reported, the patient's name, date of birth/age, sex, race/ethnicity, address, and telephone number and the physician's name and telephone number. [12-20-79, 10-31-96; Rn, 7 NMAC 4.3.7.14, 1-1-2000]

7.14 "Specimen" means any material derived from humans or animals for examination for diagnosis, prevention or treatment of any communicable disease condition of public health significance. [12-20-79, 10-31-96, 1-15-98; Rn, 7 NMAC 4.3.7.15, 1-1-2000]

7.15 Reserved. [12-20-79, 10-31-96; 1-1-2000]

#### **7 NMAC 4.3.8 NOTIFIABLE DISEASES**

[10-4-72...4-15-93; 10-31-96, A, 1-1-2000]

8.1 DECLARATION OF NOTIFIABLE CONDITIONS: The Office shall periodically issue an index of notifiable conditions according to reporting category as Section 12 hereof. The index shall be reviewed at least annually and revised as necessary. Diseases shown in Section 12 are declared notifiable conditions as of the effective date hereof. [10-4-72...4-15-93; 10-31-96, 1-15-98, A, 1-1-2000]

8.2 OFFICIAL LISTING: The index of notifiable conditions shall be issued in a quick reference format and shall show that it is the current official list and shall specify its effective date. The Office shall routinely supply the current official index to physicians and health facilities and to other persons or entities on request. [10-04-72... 4-15-93; 10-31-96, 1-15-98, A, 1-1-2000]

8.3 REPORTING OF NOTIFIABLE CONDITIONS: Reporting will be by means of: [10-04-72... 4-15-93; 10-31-96, 1-1-2000]

8.3.1 The Office's 24-hour telephone number as listed in the "New Mexico Epidemiology Report," the Office's monthly newsletter, or by direct telephone contact with the district health officer; [10-04-72... 4-15-93; 10-31-96, 1-15-98, 1-1-2000]

8.3.2 The toll-free telephone receiving and recording system listed in the "New Mexico Epidemiology Report," [7-30-74 . . . 4-15-93; 10-31-96, 1-1-2000]

8.3.3 For specified conditions, reporting to the address/phone number published on the printed form of the "List of Notifiable Conditions," [10-4-72...4-15-93; 10-31-96, 1-15-98; N, 1-1-2000]

8.3.4 Written report to the Office, or [10-31-96, 1-15-98; Rn, 7 NMAC 4.3.8.3.3, 1-1-2000]

8.3.5 Electronic transmission, which includes facsimile and computer data transfers, in accordance with the procedures in the "New Mexico Epidemiology Report". [Rn, 7 NMAC 4.3.8.3.4, 1-1-2000, A, 1-1-2000]

8.4 REPORTING REQUIREMENTS - HEALTH CARE PROFESSIONALS: Every health care professional treating any person having or suspected of having any notifiable condition shall report the same within the time and in the manner set out in the index of diseases. [10-04-72 . . . 4-15-93; 10-31-96, 1-1-2000]

8.5 REPORTING REQUIREMENTS - LABORATORIES: All laboratories performing diagnostic tests for any notifiable condition shall report all positive findings within the time and in the manner set out in the index. Reports shall include the name of the reporting laboratory, the patient's name and address, the date of clinical diagnosis, if known, and the physician or hospital requesting the test. [7-30-74 . . . 4-15-93; 10-31-96, 1-1-2000]

8.6 REPORTING REQUIREMENT- OTHER PERSONS: Any other person, including all persons listed in Section 7.12 of these regulations, having knowledge of any person having or suspected of having a notifiable condition, shall immediately report the instance to the Office. [10-4-72... 4-15-93; 10-31-96, 1-15-98, 1-1-2000]

8.7 CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE: Any person, including health care professionals and persons listed in Section 7.12 of these regulations, having knowledge of a notifiable condition shall immediately report the condition to the Office. [10-4-72... 4-15-93; 10-31-96, 1-15-98, 1-1-2000]

#### **7 NMAC 4.3.9 CONTROL OF CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE**

[12-20-79, 10-31-96, 1-1-2000]

9.1 RESPONSIBILITY FOR PROTECTION OF PUBLIC HEALTH: The Department of Health may take such measures on the advice of its medical officer or officers as are deemed necessary and proper for the protection of the public health. [12-20-79; 10-31-96, 1-1-2000]

9.2 COORDINATION AMONG AGENCIES: The Department of Health shall coordinate the efforts of other concerned or interested federal, state and local agencies and shall cooperate with local physicians and health care facilities. [12-20-79; 10-31-96]

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9.3 IMPOSITION OF ISOLATION OR QUARANTINE: The Department of Health may establish or require isolation or quarantine of any animal, person, institution, community or region. [12-20-79; 10-31-96, 1-1-2000]

9.4 CASE INCIDENCE IN SCHOOLS OR HEALTH FACILITIES: Where any case of communicable disease occurs or is likely to occur in public, private, or parochial school or in a health care facility, including child care facilities, the Department of Health may require: [12-20-79; 10-31-96]

9.4.1 Exclusion of infected persons and non-immune persons, whether students, patients, employees or other persons; [12-20-79; 10-31-96]

9.4.2 Closure and discontinuance of operations if there is likelihood of epidemic. [12-20-79; 10-31-96]

9.5 REFUSAL OF VOLUNTARY TREATMENT, DETENTION OR OBSERVATION:

When a person who is actively infectious with a threatening communicable disease and refuses voluntary treatment, detention or observation, the Department of Health may seek a court order to detain and treat that person pursuant to Section 24-1-15, NMSA 1978 of the Public Health Act. [12-20-79; 10-31-96, 1-1-2000]

9.6 OTHER PUBLIC HEALTH ORDERS: The Department of Health may issue orders for the testing of particular populations or groups of persons or animals to identify carriers of disease, including immigrants, travelers, students or preschoolers and others who have been at risk of transmission or exposure. The Department of Health may require that all tests be done under the control of the Scientific Laboratory Division or by a laboratory approved for that purpose. [12-20-79; 10-31-96, 1-1-2000]

9.7 ENFORCEMENT OF PUBLIC HEALTH ORDERS: Any order issued by the

Department of Health under the Public Health Act or these regulations shall be enforceable as provided by law and violation is punishable in accordance with Section 24-1-21 NMSA 1978. [12-20-79; 10-31-96]

9.8 MEDICAL RECORDS: To carry out its duties to investigate and control disease and conditions of public health significance, the Department of Health shall have access to all medical records of persons with, or suspected of having, notifiable diseases or conditions of public health significance. [10-31-96]

9.9 CONFIDENTIALITY OF REPORTS: All notifiable condition reports are confidential.

Disclosure to any person of report information that identifies, or could lead to the identification of, an individual, except for disclosure for the purpose of prevention or control is prohibited. [1-1-2000]

9.10 RESEARCH USE OF NOTIFIABLE CONDITION DATA: Researchers authorized

by the Office, and who certify to the satisfaction of the Office that confidentiality of data will be maintained, may conduct studies utilizing notifiable condition data, including studies of the sources and causes of conditions of public health significance, evaluations of the cost, quality, efficacy and appropriateness of screening, diagnostic, therapeutic, rehabilitative and preventive services and programs relating to conditions of public health significance and other clinical or epidemiologic research. [1-1-2000]

#### **7 NMAC 4.3.10 CANCER REPORTING**

**10.1 RESPONSIBLE AGENCY:** The New Mexico Tumor Registry is the agency responsible for operating a statewide cancer registry.

**10.2 REPORTING REQUIREMENTS-FACILITIES:** Hospitals and other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer shall report cancer cases to the cancer registry.

**10.3 REPORTING REQUIREMENTS-HEALTH CARE PROFESSIONALS:** Health care professionals diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in this state and reported by those facilities shall report cancer cases to the cancer registry.

**10.4 MEDICAL RECORDS:** The cancer registry is authorized to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals or agencies providing such services to patients which would identify cases of cancer or would establish the characteristics of the cancer, treatment of the cancer or medical status of any identified patient.

**10.5 REPORTING FORMAT:** Cancer case data shall be reported to the cancer registry in such a format, with such data elements and in accordance with such standards of quality, timeliness and completeness as may be established by the cancer registry.

**10.6 CONFIDENTIALITY:** All cancer case data reported to the statewide cancer registry is confidential. Disclosure to any person of information reported to the cancer registry that identifies, or could lead to the identification of an individual cancer patient, except for disclosure to other state cancer registries, local and state health officers, or cancer researchers for the purposes of cancer prevention, control or research, is prohibited.

**10.7 RESEARCH USE OF REGISTRY DATA:** Researchers authorized by the cancer registry or the Department may conduct studies, utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy and appropriateness of screening, diagnostic, therapeutic, rehabilitative and preventive services and programs relating to cancer and any other clinical, epidemiologic or other cancer research. [12-20-79, 10-31-96; N, 1-1-2000]

#### **7 NMAC 4.3.11 REPEALER**

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These requirements repeal and supersede all previous regulations, particularly regulations governing the control of communicable disease of November 11, 1952, regulations governing the reporting of notifiable disease of June 29, 1974 and regulations governing the control of disease and conditions of public health significance of 1980. [10-4-72...4-15-93; 10-31-96, 1-15-98; Rn, 7 nmac 4.3.10, 1-1-2000]

## **7 NMAC 4.3.12 NOTIFIABLE DISEASES/CONDITIONS IN NEW MEXICO**

### **12.1 EMERGENCY REPORTING OF COMMUNICABLE DISEASES:**

The following diseases, confirmed or suspected, require immediate reporting by telephone to the Office of Epidemiology at (505) 827-0006. If no answer, call (505) 984-7044.

#### **12.1.1 Vaccine Preventable Diseases**

Diphtheria

Haemophilus influenzae, invasive infections

Measles

Mumps

Pertussis

Poliomyelitis, paralytic

Rubella (incl. congenital)

Tetanus

Serious/life threatening vaccine reaction

#### **12.1.2 Other Diseases**

Anthrax, human or animal

Botulism (any type)

Brucellosis

Cholera

E.coli 0157

H7 infections

Group A streptococcal invasive infections (S. pyogenes)

Hantavirus pulmonary syndrome

Hemolytic uremic syndrome

Meningococcal infections, invasive

Plague, human or animal

Psittacosis, human or animal

Q fever

Rabies, human or animal

Smallpox

Trichinosis

Tularemia

Typhoid fever

Yellow fever

#### **12.1.3 Other Conditions**

Suspected food borne illness

Suspected waterborne illness

Illnesses suspected to be caused by the intentional or accidental release of biologic or chemical agents

Acute illnesses of any type involving large numbers of persons in the same geographic area

Other conditions of public health significance

#### **12.1.4 Tuberculosis and Nontuberculous Mycobacterial Infections**

Report to Tuberculosis Control Program, P. O. Box 26110, Santa Fe, NM 87502-6110 or call 505-827-2500 or 505-827-2474 or 1-800-432-4404 (toll free)

### **12.2 ROUTINE REPORTING**

#### **12.2.1 Infectious Diseases (Report to 1-800-432-4404 or contact the local health office)**

Amebiasis

Campylobacter infections

Coccidioidomycosis

Colorado tick fever

Cryptosporidiosis

Cysticercosis

Echinococcosis

Encephalitis

Giardiasis

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Guillain-Barre syndrome  
Hepatitis A  
Hepatitis B  
Hepatitis C  
Hepatitis E  
Hepatitis, unexplained  
Kawasaki syndrome  
Legionnaires' disease  
Leprosy  
Leptospirosis  
Listeriosis  
Lyme disease  
Malaria  
Murine typhus  
Relapsing fever  
Reye syndrome  
Rheumatic fever  
Rocky Mountain spotted fever  
Salmonellosis  
Shigellosis  
Streptococcus pneumoniae, drug-resistant and/or invasive infections  
Toxic shock syndrome  
Yersinia enterocolitica infections

#### 12.2.2 Health Conditions Related to Environmental Exposures and Certain Injuries

Report to Office of Epidemiology, P.O. Box 26110, Santa Fe, NM 87502-6110 or call 505-827-0006 or 1-800-432-4404.

Asbestosis  
Firearm injuries  
Lead (All blood levels)  
Pesticide-related illness or injury  
Silicosis  
Spinal cord injuries  
Traumatic brain injuries  
Other environmentally-induced health conditions

#### 12.2.3 Sexually Transmitted Diseases (Contact the local health office for reporting forms)

Chancroid  
Chlamydia trachomatis infections  
Gonorrhea  
Syphilis

#### 12.2.4 HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immunodeficiency Syndrome). Report to Office of Epidemiology, HIV/ AIDS Epidemiology Unit.

HIV: (1) confirmed positive HIV antibody test (screening test plus confirmatory test), or (2) any test for HIV RNA or HIV cDNA ('viral load'), or (3) any test to detect HIV proteins, or (4) any positive HIV culture, or (5) any other test or condition indicative of HIV infection as defined by the United States Centers for Disease Control and Prevention.

AIDS: Opportunistic infections, cancers, CD4 lymphocyte count (<200 per mL or <14% of total lymphocytes), or any condition indicative of AIDS.

#### 12.2.5 CANCER

**Report to New Mexico Tumor Registry, University of New Mexico School of Medicine, Albuquerque, NM 87131. All malignant and in situ neoplasms and all intracranial neoplasms, regardless of the tissue of origin, but excluding basal cell and squamous cell carcinoma of the skin.**

#### 12.2.6 BIRTH DEFECTS

Report to Birth Defects Registry, Children's Medical Services, Public Health Division, NM Department of Health, PO Box 26110, Santa Fe, NM 87502-6110.

All birth defects diagnosed by age 14 years, including:

Defects diagnosed during pregnancy

Defects diagnosed on fetal deaths.

List of Notifiable Diseases/Conditions in New Mexico revised 1-1-2000

#### 12.3 ALL REPORTS MUST INCLUDE:

12.3.1 The disease or problem being reported;

12.3.2 Patient's name, date of birth/age, gender, race/ethnicity, address and telephone

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number;

12.3.3 Physician's (or laboratory's) name and telephone number. [Rn, 7 nmac 4.3.11, 1-1-2000, A, 1-1-2000]

