

## CDC Updates to Medical Examinations of Aliens

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SUBJECT: CDC UPDATES TO MEDICAL EXAMINATION OF ALIENS

1. SUMMARY: On October 6, 2008, the U.S Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), published an Interim Final Rule (IFR) amending 42 CFR Part 34 - Medical Examination of Aliens. The IFR changed the definition of a communicable disease of public health significance, the scope of the medical examination for aliens, and the evaluation criteria for tuberculosis. The definition of communicable disease of public health significance continues to include the previous list of eight specific diseases (including HIV infection) and adds two new disease categories: (1) quarantinable diseases designated by Presidential Executive Order; and (2) diseases that meet the criteria of a public health emergency of international concern, which require notification to the World Health Organization (WHO) under the revised International Health Regulations (IHR) of 2005. The scope of the medical examination for aliens has been amended to incorporate a more flexible, risk- based approach based on medical and epidemiologic factors. Further information is available on CDC's website: [http://www.cdc.gov/ncidod/dq/ifr\\_main.htm](http://www.cdc.gov/ncidod/dq/ifr_main.htm). End Summary.

2. The definition of "communicable disease of public health significance" in 42 CFR 34.2(b) continues to include a list of the following eight specific diseases:

- (1) Chancroid;
- (2) Gonorrhea;
- (3) Granuloma inguinale;
- (4) Human immunodeficiency virus (HIV) infection;
- (5) Leprosy, infectious;
- (6) Lymphogranuloma venereum;
- (7) Syphilis, infectious stage;
- (8) Tuberculosis, active;

3. In addition to this list, two new disease categories have been added to allow flexibility in rapidly responding to unanticipated emerging or re-emerging outbreaks of disease. These categories are:

- (1) Quarantinable diseases designated by Presidential Executive Order; and,
- (2) Diseases that meet the criteria of a public health emergency of international concern, which require notification to the World Health Organization (WHO) under the revised International Health Regulations (IHR) of 2005.

4. The scope of the overseas medical examination has been revised to include a risk-based approach for the two new disease categories listed above. Under this new approach, HHS/CDC may require aliens to undergo additional screening, testing, and treatment as needed for the diseases in the two new categories. The risk-based approach allows HHS/CDC to use medical and epidemiological factors to determine if additional screening, testing, and treatment are needed for a specific population within a specific geographic location where the risk is high. The overseas medical examination will continue to consist of a medical history, physical examination, and screening/diagnostic testing. HHS/CDC will provide information directly to panel physicians when new or additional screening, testing, and treatment protocols for the communicable diseases of public health significance are issued. HHS/CDC will also provide information and guidance to affected posts. Panel physicians should not screen for any of the new communicable diseases of public health significance without specific notification from HHS/CDC.

5. The addendum to the Technical Instructions (TIs) for Medical Examination of Aliens addressing the new communicable diseases of public health significance is available on CDC's website: <http://www.cdc.gov/ncidod/dq/technical.htm>. As indicated in the addendum to the TIs, panel physicians should not screen for any of the new communicable diseases of public health significance without specific

notification from HHS/CDC.

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#### FAM UPDATES

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8. 9 FAM 40.11 N9 INA 212(A)(1)(A)(I) - Communicable Diseases of Public Health Significance - will be updated as follows:

INA 212(a)(1)(A)(i) refers to an excludable disease as a "communicable disease of public health significance." The CDC's Technical Instructions lists these diseases, which are also defined in 42 CFR Part 34.2. The following diseases are those which CDC currently defines in this category:

- (1) Chancroid;
- (2) Gonorrhea;
- (3) Granuloma inguinale;
- (4) Human immunodeficiency virus (HIV) infection;
- (5) Leprosy, infectious;
- (6) Lymphogranuloma venereum;
- (7) Syphilis, infectious stage;
- (8) Tuberculosis, active;

If a risk-based analysis by CDC so determines, certain diseases in the following categories will also be included, for a specific population within a specific geographic location:

- (9) Any quarantinable, communicable disease defined by current and future Presidential Executive Orders, as provided under Section 361(a) of the Public Health Service Act. The list of quarantinable communicable diseases is available at <http://www.cdc.gov>; and
- (10) Communicable diseases that may pose a public health emergency of international concern reported to the World Health Organization (WHO) under the revised International Health Regulations (IHR) of 2005.

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