

# WASHINGTON STATE BOARD OF HEALTH

**Date:** June 9, 2021

**To:** Washington State Board of Health Members

**From:** Umair A. Shah, MD, MPH, Secretary of Health

**Subject:** Chapter 246-101 WAC – Notification and Reporting Requirements of Novel Coronavirus (SARS-CoV-2)

## Background and Summary:

Novel Coronavirus (SARS-CoV-2), also known as Coronavirus Disease 2019 (COVID-19), is a respiratory illness caused by a new or “novel” coronavirus that was not identified in humans before December 2019. The first confirmed case of COVID-19 reported in the United States was in Washington State in January 2020. Since that time, there have been over 33 million confirmed cases and over 589,000 deaths reported in the United States.<sup>1</sup>

The [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#), signed into law by President Trump on March 27, 2020, is intended to address the economic effects of the COVID-19 pandemic. Included in the law is a requirement for every laboratory that performs or analyzes a test intended to detect or diagnose a possible case of COVID-19 to report the results to the U.S. Department of Health and Human Services (HHS) in a manner prescribed by the HHS Secretary until the end of the public health emergency.

HHS released laboratory data reporting [guidance](#) for COVID-19 on June 4, 2020, and later updated the guidance on January 8, 2021. The guidance specifies standards for reporting laboratory testing data, including test results, relevant demographic details (e.g., patient’s age, race, ethnicity, sex), and additional information to improve the public health response to COVID-19. These data must be collected and reported to state or local public health departments using existing reporting channels in accordance with state law or policies.

In September 2020, the Centers for Medicare and Medicaid Services (CMS) published an interim final rule in the [Federal Register Volume 85, Number 171](#), to update requirements for reporting SARS-CoV-2 test results by laboratories. The rule stipulates all laboratories conducting SARS-CoV-2 testing and reporting patient-specific results, including hospital laboratories, nursing homes, and other facilities conducting testing for COVID-19, who fail to report information required under the CARES Act will be subject to monetary penalties.

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<sup>1</sup> Centers for Disease Control and Prevention, [COVID Data Tracker](#), accessed May 28, 2021

The State Board of Health (Board) has the authority under [RCW 43.20.050](#)(f) to adopt rules for the prevention and control of infectious and noninfectious diseases, as well as authority to adopt rules that govern reporting information that is necessary for public health officials to protect the public's health by tracking communicable diseases and other conditions.

The Board has previously adopted three emergency rules for COVID-19 reporting in accordance with the CARES Act on July 30, 2020; November 9, 2020; and March 10, 2021. I believe we must continue to designate COVID-19 as a notifiable condition and maintain reporting requirements consistent with HHS guidance.

Complete demographic information is key to understanding which communities are impacted by the pandemic. Per the Department of Health, race and ethnicity data is unknown for 43 percent of confirmed COVID-19 cases and hospitalizations.<sup>2</sup> Understanding which populations are being disproportionately impacted can enable public health to build partnerships with community-based organizations to develop community-led prevention strategies.

I recommend the Board adopt a fourth emergency rule to require reporting of essential COVID-19 testing and demographic data to allow the governmental public health system to identify appropriate public health interventions. I believe the immediate adoption of this rule is necessary for the preservation of the public health, safety, and general welfare of the State of Washington.

#### Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board adopts a fourth emergency rule to extend the designation of COVID-19 as a notifiable condition and require reporting of essential testing and demographic data to improve the public health response to COVID-19. The Board directs staff to file a fourth CR-103E to extend WAC 246-101-017 without lapse, effective on July 23, 2021.

#### Staff

Kaitlyn Donahoe, Policy Advisor

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PO Box 47990 • Olympia, WA 98504-7990  
360-236-4110 • [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) • [sboh.wa.gov](http://sboh.wa.gov)

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<sup>2</sup> Washington State Department of Health, [COVID-19 Data Dashboard](#), accessed May 28, 2021