



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

December 4, 2020

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 04, 2020

TIME: 11:34 AM

WSR 21-01-028

TO: Kathleen Buchli
Code Reviser

FROM: Tami Thompson
Regulatory Affairs Manager

A handwritten signature in black ink that reads "Tami M. Thompson".

SUBJECT: WITHDRAWAL OF WSR 20-13-062, Supplemental CR-102 for Chapter 246-101 WAC, Notifiable Conditions.

This memo serves as notice that the State Board of Health (Board) and Department of Health (Department) are withdrawing the Supplemental CR-102 for Notifiable Conditions, which was filed June 15, 2020, and published in WSR 20-13-062.

The purpose of chapter 246-101 WAC, Notifiable Conditions, is to provide critical information to public health authorities to aid them in protecting and improving public health through prevention and control of infectious and noninfectious conditions as required under RCWs 43.20.050, 70.104.055, and 43.70.545. Public health authorities use the information gathered under this chapter to take appropriate action, including, but not limited to, treating ill people; providing preventive therapies for individuals who came into contact with infectious agents; investigating and halting outbreaks; removing harmful health exposures from the environment; assessing broader health-related patterns, including historical trends, geographic clustering, and risk factors; and redirecting program activities and developing policies based on broader health-related patterns.

The Board held a public hearing on the proposed revisions to chapter 246-101 WAC on April 8, 2020. The Board determined it would continue its consideration of the proposed rule until its August meeting in recognition of interested parties' limited ability to review and comment on the proposed changes as a result of the Coronavirus Disease 2019 (COVID-19) pandemic. In addition, the Board determined that further amendments to the

Kathleen Buchli, Code Reviser

December 4, 2020

Page 2 of 2

rule were necessary to include an additional reportable condition, reporting requirements, as well as other administrative changes. A Supplemental CR-102 was filed on June 15, 2020 as WSR 20-13-062.

A public hearing for the Supplemental CR-102 was held on August 12, 2020. The Board received comments from stakeholders requesting that additional demographic data be collected with case and laboratory reports for all notifiable conditions, including race, ethnicity, primary language, sexual orientation, gender identity, and disability status. These reportable data components were requested to better inform disease response and allow the public health system to identify and partner with community-based organizations on outreach, prevention, and access to care.

The Board directed staff to explore the feasibility of incorporating these additional demographic data components at its August meeting, and further directed staff to work with stakeholders to draft proposed rule language incorporating race, ethnicity, and language reporting.

This CR-102 will expire on December 28, 2020. The Board and Department are withdrawing the CR-102 to allow more time for staff to work with subject matter and community experts, the regulated community, and local health jurisdictions to develop proposed rule language that would require additional demographic reporting for notifiable conditions. It is the intent of the Board and Department to file a new CR-102 in early 2021 in anticipation of a public hearing and possible adoption of proposed revisions to this chapter in March 2021.

Individuals requiring information on this rule should contact the following:

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Thank you for your attention to this matter.

cc: Michelle Davis, State Board of Health Executive Director
John Wiesman, Secretary of Health
Kaitlyn Donahoe, State Board of Health Policy Advisor
Alexandra Montano, Department of Health