



**Date:** November 10, 2021

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

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

**Subject:** Effective Date Extension Request – Notifiable Conditions, Chapter 246-101 WAC

**Background and Summary:**

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.

The Washington State Board of Health (Board) and the Washington State Department of Health (Department) initiated rulemaking on this chapter in April 2017. After extensive consultation with community and subject matter experts, tribes, the Notifiable Conditions Technical Advisory Committee, local health jurisdictions, the regulated community, and other state agencies, Board and Department staff developed proposed rule language for the Board's consideration. The Board held multiple public hearings on the proposed rules between 2020 and 2021, and adopted amendments to the Notifiable Conditions rule on March 10, 2021.

The adopted rules make significant revisions to the chapter, including:

- Adding notification and specimen submission requirements for “new conditions” and conditions currently identified as “other rare diseases of public health significance”;
- Updating and clarifying notification and specimen submission requirements for certain existing conditions;
- Clarifying and improving requirements for suspected cases;
- Adding requirements to report race, ethnicity, and preferred language;
- Revising the reporting requirements for veterinarians and the Department of Agriculture;
- Adding enhanced service facilities licensed under chapter 70.97 RCW to the definition of “health care facility”;
- Editorial revisions consistent with statutory changes made during the 2020 legislative session (Engrossed Substitute House Bill 1551, Modernizing the control of certain communicable diseases);
- Updating statutory references in the rules, including updated references to the Security and Confidentiality Guidelines developed by the Centers for Disease Control and Prevention; and

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- Improving overall clarity and usability of the chapter.

The rules are slated to go into effect January 31, 2022. The Washington State Department of Health (Department) is requesting the Board extend the effective date of the adopted rules to January 1, 2023 to allow the Department additional time to update their information technology systems and align with the timeline for separate Department rulemaking also impacting information technology systems. The extended effective date was informed by subject matter experts and Department leadership and includes their best estimate of the additional time needed to update multiple Department data systems to allow for the collection and reporting of new and revised data reporting components and new conditions.

**Recommended Board Actions:**

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

The Board accepts the Department of Health's request to amend the effective date of chapter 246-101 WAC, as filed in WSR 21-11-040. The Board directs staff to file a new CR-103, Order of Adoption, to delay the effective date of revisions to the Notifiable Conditions chapter to January 1, 2023.

**Staff**

Samantha Pskowski, 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)