



Washington State Board of Health

Emergency Rule: WAC 246-101-017, COVID-19 Reporting

March 10, 2021

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Overview

- CARES Act Requirements, HHS Guidance
- CMS Reporting Requirements
- Prior Emergency Rules
- Proposed Third Emergency Rule
- Future Potential Revisions
- Next Steps

CARES Act Requirements, HHS Guidance

- March 27, 2020: the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires laboratories to report COVID-19 test results to the Secretary of the U.S. Department of Health and Human Services (HHS) in a manner prescribed by the Secretary
- June 4, 2020 (updated January 8, 2021): HHS releases COVID-19 laboratory data reporting guidance
 - Laboratory testing data, including standardized test results, relevant demographic details, and additional information to improve the public health response to COVID-19 must be reported through existing state and local public health data reporting methods
 - Every reasonable effort should be made to collect and report complete demographic information
 - Reporting must occur no later than August 1, 2020

HHS Guidance (cont.)

Data components that must be collected

- Test ordered; date test ordered; test result
- Device identifier; accession number or specimen ID; specimen source
- Patient age, race, ethnicity, sex, residence zip code and county
- Ordering provider name, national provider identifier (NPI), zip code
- Performing facility name, clinical laboratory improvement amendment (CLIA) number, zip code

Many of these data components are already required reporting under chapter 246-101 WAC, Notifiable Conditions

Data components that should be collected

- Patient name, date of birth, street address, phone number
- Ordering provider address, phone number
- Answers to “ask on order entry” questions
 - First test? Symptomatic?
 - Hospitalized? ICU?
 - Pregnant?
 - Employed in health care?
 - Congregate care setting resident?

CMS Reporting Requirements

- The Centers for Medicare and Medicaid Services (CMS) published an interim final rule on September 2, 2020, effective immediately
- All laboratories conducting COVID-19 testing and reporting patient-specific results who fail to report information required under the CARES Act will be subject to monetary penalties



Proposed Third Emergency Rule

July 30, 2020

- Required reporters: health care providers & facilities, laboratories, LHJs
- All data components that must and should be collected per HHS
- Additional data reporting (e.g., patient emergency contact, preferred language)
- Disaggregated race and ethnicity

November 9, 2020

- Required reporters: health care providers & facilities, laboratories, LHJs, Dept. of Agriculture
- Closely aligns with HHS guidance; additional data components removed

March 10, 2021

- No proposed changes; rule language mirrors November 9, 2020 emergency rule

Next Steps

- The current emergency rule will expire on March 29, 2021
- If the Board elects to adopt a third emergency rule, staff will file a third CR-103E to extend WAC 246-101-017 without lapse effective March 30, 2021
- Adoption of a third emergency rule will extend these requirements to July 28, 2021

| THANK YOU