



Washington State Board of Health

Chapter 246-101 WAC, Notifiable Conditions

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Overview

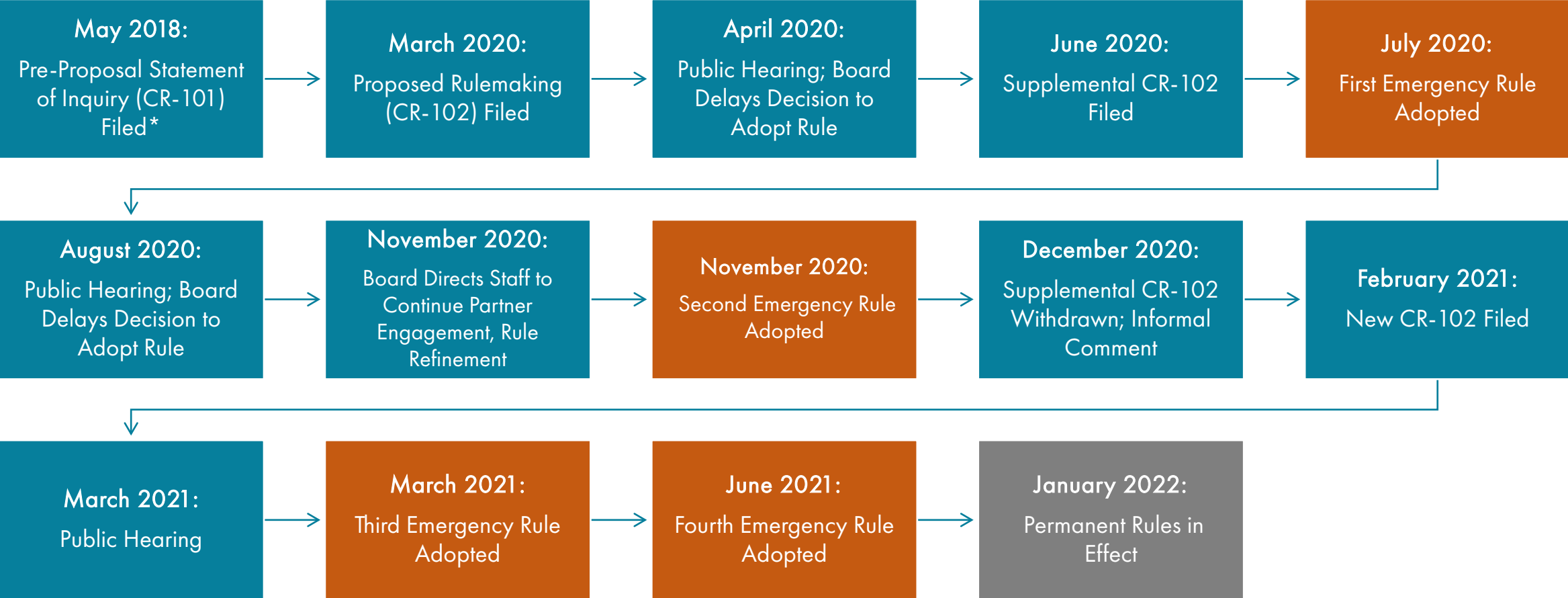
- Background
- Emergency Rule (CR-103E)
- Permanent Rulemaking (CR-101)
- Next Steps

Notifiable Conditions Background

- The Board has authority under RCW 43.20.050 to adopt rules for the prevention and control of infectious and noninfectious diseases.
- Chapter 246-101 WAC outlines disease and condition reporting requirements for health care providers, health care facilities, laboratories, and other entities.
- Public health officials use this information to protect the public's health by tracking emerging communicable diseases, outbreaks, and other conditions.



Prior Rulemaking



■ Permanent Rulemaking ■ Emergency Rulemaking



Emergency Rule

WAC 246-101-017, COVID-19 Reporting

CARES Act Requirements, HHS Guidance

- **March 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 2020 (updated January 2021):** HHS releases COVID-19 laboratory data reporting guidance specifying standards for reporting testing and demographic data
- **September 2020:** Centers for Medicare and Medicaid Services (CMS) publish an interim final rule stipulating 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

Prior Emergency Rules

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 changes; rule language identical to November 9, 2020, emergency rule

June 9, 2021

- No changes; rule language identical to November and March, emergency rules

Proposed Fifth Emergency Rule

- Adjusts the reporting timeframe for local health jurisdictions to notify the Department of Health of a COVID-19 case, submit investigation reports upon completion, and reassign cases to the Department within one business day instead of immediately.
- Proposed revisions better reflect the current capacity of the Department to receive these data and LHJs to submit these data.
- Proposed revisions will not impact compliance with the CARES Act or CMS interim rules.



Next Steps

- Current emergency rule expires November 20, 2021.
- If the Board elects to adopt a fifth emergency rule, staff will file a new CR-103E with the code reviser.
- The fifth emergency rule will replace the current rule.
 - All requirements and provisions in the emergency rule, including adjusted reporting timelines, will become effective immediately upon filing.
- Emergency rule will be in effect for 120 days.



Permanent Rulemaking

Chapter 246-101 WAC

Permanent Rulemaking

- The Board filed a CR-101 on July 23, 2021, to initiate permanent rulemaking for chapter 246-101 WAC. The scope of rulemaking includes:
 - Integrating COVID-19 reporting requirements and provisions consistent with the Board's emergency rule, the CARES Act, and HHS guidance
 - Clarifying the instances in which health care providers and health care facilities must report notifiable conditions (interpretive statement)
 - Other editorial revisions as necessary for clarity
- Permanent rules adopted by the Board at the March 10, 2021 meeting will go into effect January 31, 2022. New rules cannot go into effect until after this time.
- Staff anticipate adoption of new rules at the January 2022 meeting with a March 2022 effective date.

Recap of Next Steps

Emergency Rule

- If the Board elects to adopt a fifth emergency rule, staff will file a new CR-103E with the code reviser.
- The fifth emergency rule will replace the current rule.
- Emergency rule will be in effect for 120 days.

Permanent Rulemaking

- No Board action is required at this time.
- Staff expect to provide a briefing at the November Board meeting.

| THANK YOU