



Washington State Board of Health

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

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Overview

- Background
- Prior Emergency Rules
- Proposed Seventh Emergency Rule
- Next Steps

Background: 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 required by HHS
- Additional data reporting (e.g., patient emergency contact, preferred language)
- Disaggregated race and ethnicity

November 9, 2020

- Dept. of Agriculture added to the list of required reporters
- More closely aligned with HHS guidance; additional data components not required by HHS 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

August 11, 2021

- Adjusted reporting requirements for LHJs to report to the Dept. of Health to better reflect the capacity of the Dept. of Health and LHJs to receive and send these data
- All other requirements unchanged

November 10, 2021

- No changes; rule language identical to August emergency rule

Proposed Seventh Emergency Rule

- No proposed changes are recommended today
- Seventh emergency rule is identical to the sixth emergency rule adopted by the Board in November
- Rule language is provided in today's meeting materials



Permanent Rulemaking

- Per the Administrative Procedures Act, the Board filed a CR-101 on July 20, 2021 to integrate emergency rule requirements and provisions into permanent rule
- Permanent revisions to the Notifiable Conditions chapter may not go into effect until January 2, 2023 at the earliest



Next Steps

- Current emergency rule expires April 20, 2022.
- If the Board elects to adopt a seventh emergency rule, staff will file a new CR-103E with the code reviser to extend current requirements of WAC 246-101-017 without lapse.
- Emergency rule will be in effect for 120 days.

| THANK YOU

Appendix: HHS-required Data Components

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

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?

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