



Washington State Board of Health

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

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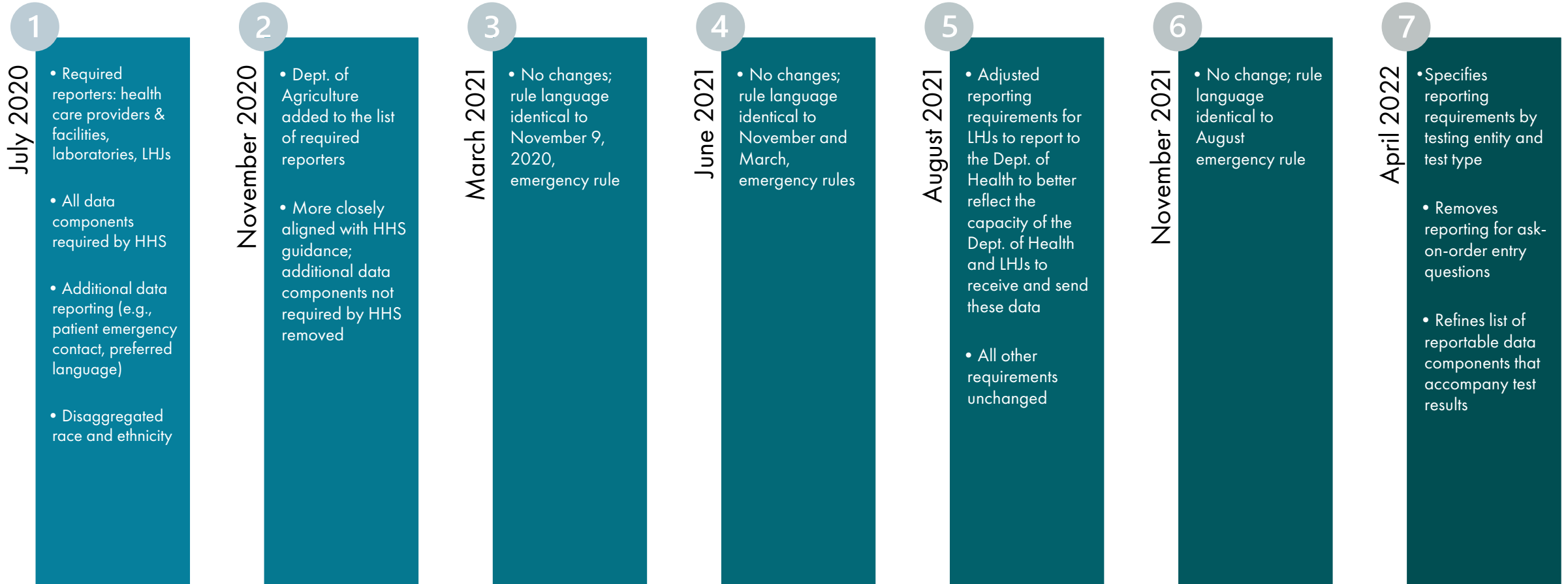
Overview

- Background
- Prior Emergency Rules
- Proposed Eighth 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, March 2022):** 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



Proposed Eighth Emergency Rule

- No proposed changes are recommended today
- Eighth emergency rule is identical to the seventh emergency rule adopted by the Board in April
 - Nucleic Acid Amplification Test (NAAT) testing conducted in a facility certified to perform high- or moderate-complexity tests: positive, negative, and inconclusive results
 - All other testing: positive results
 - No antibody or self-administered tests
- Rule language is provided in today's meeting materials



Permanent Rulemaking

- COVID-19 will be a permanent notifiable condition starting January 1, 2023 per previous rule revision by the Board
- The Board filed a CR-101 on July 20, 2021 to integrate emergency rule requirements and provisions into permanent rule



Next Steps

- Current emergency rule expires August 18, 2022.
- If the Board elects to adopt an eighth emergency rule, staff will file a CR-103E with the code reviser to extend WAC 246-101-017 without lapse.
- The emergency rule will be in effect for 120 days.

| THANK YOU