



Washington State Board of Health

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

November 9, 2022

Kaitlyn Donahoe, MPA

Policy Advisor, State Board of Health

Overview

- Background
- Prior Emergency Rules
- Proposed Ninth Emergency Rule
- COVID-19 Regulatory Landscape
- Proposed Future Reporting
- 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

1
July 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

2
November 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

3
March 2021

- No changes; rule language identical to November 9, 2020, emergency rule

4
June 2021

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

5
August 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

6
November 2021

- No change; rule language identical to August emergency rule

7
April 2022

- Specifies reporting requirements by testing entity and test type
- Removes reporting for ask-on-order entry questions
- Refines list of reportable data components that accompany test results

8
August 2022

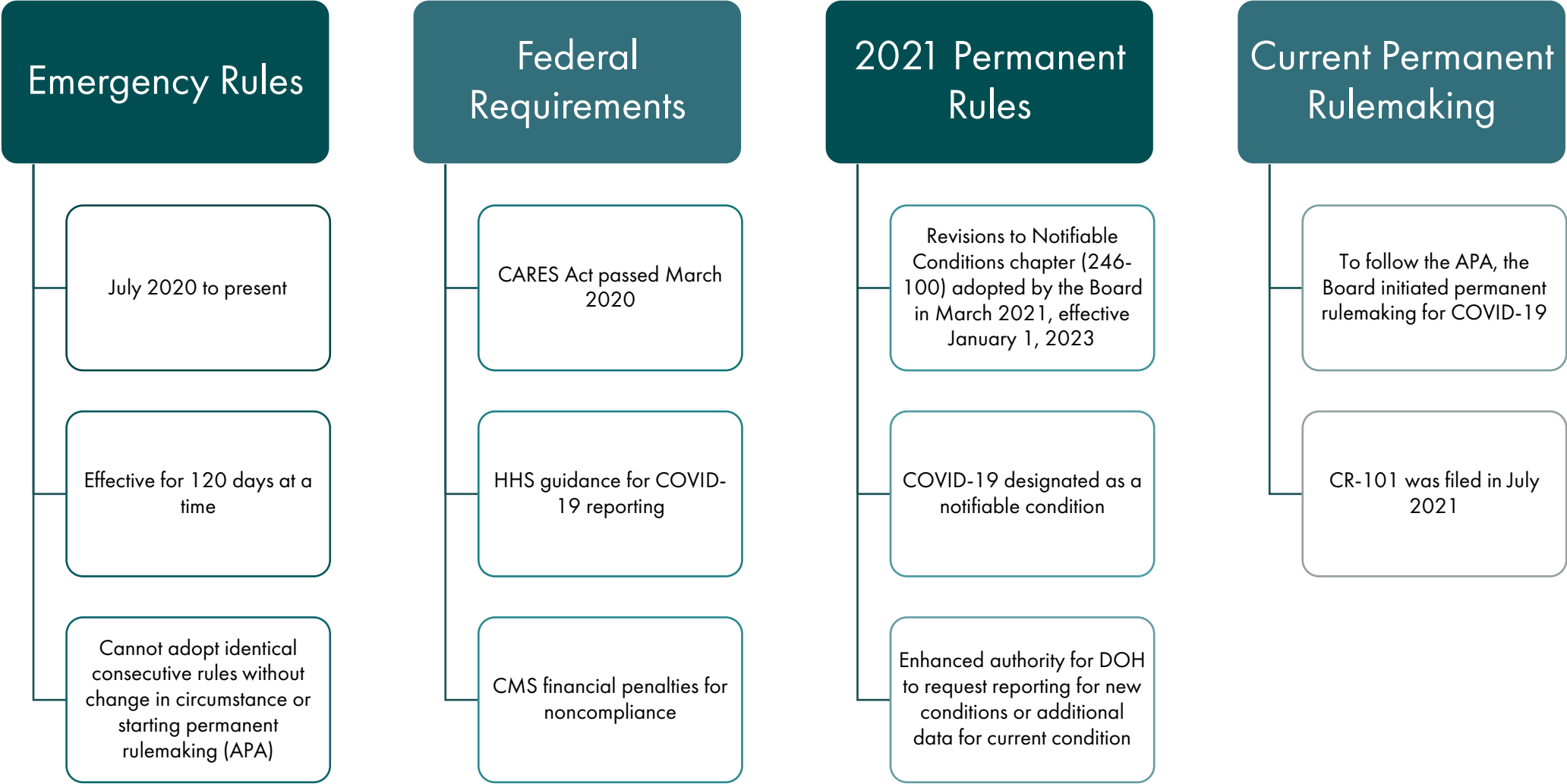
- No change; rule language identical to April emergency rule

Proposed Ninth Emergency Rule

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



COVID-19 Regulatory Landscape



Proposed Future Reporting

December 16, 2022: Ninth
Emergency Rule in Effect

January 1, 2023:

- COVID-19 Permanent Notifiable Condition
- DOH Provisional Notification
- CR-101 Withdrawal

December 31, 2022: Ninth
Emergency Rule Rescinded

COVID-19 Test Results &
Additional Patient Data
Reported Through End of
Public Health Emergency

| QUESTIONS?

| THANK YOU