PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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DATE: March 25, 2025
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WSR 25-08-026

Agency: Washington State Board of Health

Subject of possible rule making: Chapter 246-101 WAC, Notifiable Conditions; Adjustment of COVID-19 reporting requirements. The Washington State Board of Health (Board) is considering amending the reporting requirements for COVID-19 in response to feedback from local health jurisdictions and changes in the national notifiable condition designation by the Council for State and Territorial Epidemiologists (CSTE). The Board will not consider other changes to these rules at this time.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.050

Reasons why rules on this subject may be needed and what they might accomplish: Chapter 246-101 WAC provides public health authorities in Washington with essential information to prevent and control both infectious and non-infectious conditions, ultimately safeguarding public health. It establishes reporting requirements for healthcare providers, facilities, laboratories, and other entities to help public health officials track communicable diseases and other conditions, in accordance with RCW 43.20.050, 70.104.055, and 43.70.545.

The Board will consider amending the rules to ease COVID-19 reporting requirements while retaining key data needed to protect the public's health and for ongoing disease surveillance.

Currently, healthcare providers, facilities, and labs must report all COVID-19 cases to local health jurisdictions immediately. Local health jurisdictions must then notify the Department within three business days. The Board and Department have received feedback from local health officers and regulated entities that these reporting requirements are burdensome and do not align with the shift from pandemic emergency response to regular monitoring of endemic respiratory viruses. Updating the reporting in rule will help alleviate this burden.

Each year, the Council for State and Territorial Epidemiologists (CSTE), with input from the U.S. Centers for Disease Control (CDC), reviews the list of nationally notifiable conditions. In 2024, CSTE updated its position statement on COVID-19 (24-ID-11), changing the case definition and removing COVID-19 from the nationally notifiable condition list. National case-based data no longer reflect overall infection trends and the CDC only tracks severe illness due to COVID-19 in select sites across the U.S.

CSTE's position statement calls for ongoing routine surveillance of COVID-19 alongside other respiratory viruses. The Board proposes adjusting the COVID-19 reporting requirements in chapter 246-101 WAC to align with CSTE's recommendations and updated CDC respiratory virus monitoring practices.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Board has broad authority to establish rules for notifiable conditions. To develop the proposed rules, the Board will work closely with the Department of Health, as they are the agency responsible for implementing chapter 246-101 WAC. The Department of Agriculture also has authority to create notification requirements for veterinarians. Board staff will consult with the Washington Department of Agriculture to ensure the veterinary notification requirements for COVID-19 in the state are aligned.

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) The Board will work with the Department of Health to develop the proposed rules. They will consult with members from the regulated community, associations, local health jurisdictions, and other impacted parties throughout the course of this rulemaking. After drafting the rules, they will gather more feedback through an informal review process before formally proposing the rules and holding a public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
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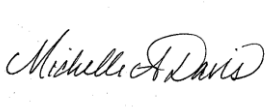
Additional comments: The Board will work with partner agencies and may convene listening sessions for additional input. The Board will keep interested parties informed of the rulemaking through email, the Board's listserv and rulemaking website, and notices in the Washington State Register. Interested parties, including those who are subject to the requirements of chapter 246-101 WAC, will have opportunities to provide comments through the rulemaking process, including informal review of the draft rule, formal review and comment on the proposed rule, and at the Board's public hearing.

Date: March 25, 2025 **Name:** Michelle A. Davis **Title:** State Board of Health Executive Director	**Signature:**