

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Commission for Public Health

RULE CITATION: 10A NCAC 41A .0101

DEADLINE FOR RECEIPT: Thursday, July 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Did you use the word "reasonably" on line 5 to track the language of N.C.G.S. 130A-135 which states:

*"A physician licensed to practice medicine who has **reason to suspect** that a person about whom the physician has been consulted professionally has a communicable disease or communicable condition declared by the Commission to be reported, shall report information required by the Commission to the local health director of the county or district in which the physician is consulted."*

Did you intend the word "immediately" in the subparagraphs of (a) to mean the dictionary definition of the word?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
June 25, 2014

1 10A NCAC 41A.0101 is amended as published 28:18 NCR 3184-87 as follows:

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3 **10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS**

4 (a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made
5 reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- 6 (1) acquired immune deficiency syndrome (AIDS) - 24 hours;
- 7 (2) anthrax - immediately;
- 8 (3) botulism - immediately;
- 9 (4) brucellosis - 7 days;
- 10 (5) campylobacter infection - 24 hours;
- 11 (6) chancroid - 24 hours;
- 12 (7) chlamydial infection (laboratory confirmed) - 7 days;
- 13 (8) cholera - 24 hours;
- 14 (9) Creutzfeldt-Jakob disease – 7 days;
- 15 (10) cryptosporidiosis – 24 hours;
- 16 (11) cyclosporiasis – 24 hours;
- 17 (12) dengue - 7 days;
- 18 (13) diphtheria - 24 hours;
- 19 (14) Escherichia coli, shiga toxin-producing - 24 hours;
- 20 (15) ehrlichiosis – 7 days;
- 21 (16) encephalitis, arboviral - 7 days;
- 22 (17) foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other and
23 unknown causes - 24 hours;
- 24 (18) gonorrhea - 24 hours;
- 25 (19) granuloma inguinale - 24 hours;
- 26 (20) Haemophilus influenzae, invasive disease - 24 hours;
- 27 (21) Hantavirus infection – 7 days;
- 28 (22) Hemolytic-uremic syndrome – 24 hours;
- 29 (23) Hemorrhagic fever virus infection – immediately;
- 30 (24) hepatitis A - 24 hours;
- 31 (25) hepatitis B - 24 hours;
- 32 (26) hepatitis B carriage - 7 days;
- 33 (27) hepatitis C, acute – 7 days;
- 34 (28) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
- 35 (29) influenza virus infection causing death ~~in persons less than 18 years of age~~ – 24 hours;
- 36 (30) legionellosis - 7 days;
- 37 (31) leprosy – 7 days;

- 1 (32) leptospirosis - 7 days;
- 2 (33) listeriosis – 24 hours;
- 3 (34) Lyme disease - 7 days;
- 4 (35) lymphogranuloma venereum - 7 days;
- 5 (36) malaria - 7 days;
- 6 (37) measles (rubeola) - 24 hours;
- 7 (38) meningitis, pneumococcal - 7 days;
- 8 (39) meningococcal disease - 24 hours;
- 9 (40) monkeypox – 24 hours;
- 10 (41) mumps - 7 days;
- 11 (42) nongonococcal urethritis - 7 days;
- 12 (43) novel influenza virus infection – immediately;
- 13 (44) plague - immediately;
- 14 (45) paralytic poliomyelitis - 24 hours;
- 15 (46) pelvic inflammatory disease – 7 days;
- 16 (47) psittacosis - 7 days;
- 17 (48) Q fever - 7 days;
- 18 (49) rabies, human - 24 hours;
- 19 (50) Rocky Mountain spotted fever - 7 days;
- 20 (51) rubella - 24 hours;
- 21 (52) rubella congenital syndrome - 7 days;
- 22 (53) salmonellosis - 24 hours;
- 23 (54) severe acute respiratory syndrome (SARS) – 24 hours;
- 24 (55) shigellosis - 24 hours;
- 25 (56) smallpox - immediately;
- 26 (57) Staphylococcus aureus with reduced susceptibility to vancomycin – 24 hours;
- 27 (58) streptococcal infection, Group A, invasive disease - 7 days;
- 28 (59) syphilis - 24 hours;
- 29 (60) tetanus - 7 days;
- 30 (61) toxic shock syndrome - 7 days;
- 31 (62) trichinosis - 7 days;
- 32 (63) tuberculosis - 24 hours;
- 33 (64) tularemia – immediately;
- 34 (65) typhoid - 24 hours;
- 35 (66) typhoid carriage (Salmonella typhi) - 7 days;
- 36 (67) typhus, epidemic (louse-borne) - 7 days;
- 37 (68) vaccinia – 24 hours;

- 1 (69) vibrio infection (other than cholera) – 24 hours;
- 2 (70) whooping cough – 24 hours; and
- 3 (71) yellow fever - 7 days.

4 (b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus
5 culture, repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test,
6 positive nucleic acid detection (NAT) test, or other confirmed testing method approved by the Director of the State
7 Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director
8 of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug
9 Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the
10 Association of Public Health Laboratories.

11 (c) In addition to the laboratory reports for Mycobacterium tuberculosis, Neisseria gonorrhoeae, and syphilis specified in
12 G.S. 130A-139, laboratories shall report:

- 13 (1) Isolation or other specific identification of the following organisms or their products from human
14 clinical specimens:
 - 15 (A) Any hantavirus or hemorrhagic fever virus.
 - 16 (B) Arthropod-borne virus (any type).
 - 17 (C) Bacillus anthracis, the cause of anthrax.
 - 18 (D) Bordetella pertussis, the cause of whooping cough (pertussis).
 - 19 (E) Borrelia burgdorferi, the cause of Lyme disease (confirmed tests).
 - 20 (F) Brucella spp., the causes of brucellosis.
 - 21 (G) Campylobacter spp., the causes of campylobacteriosis.
 - 22 (H) Chlamydia trachomatis, the cause of genital chlamydial infection, conjunctivitis (adult and
23 newborn) and pneumonia of newborns.
 - 24 (I) Clostridium botulinum, a cause of botulism.
 - 25 (J) Clostridium tetani, the cause of tetanus.
 - 26 (K) Corynebacterium diphtheriae, the cause of diphtheria.
 - 27 (L) Coxiella burnetii, the cause of Q fever.
 - 28 (M) Cryptosporidium parvum, the cause of human cryptosporidiosis.
 - 29 (N) Cyclospora cayetanesis, the cause of cyclosporiasis.
 - 30 (O) Ehrlichia spp., the causes of ehrlichiosis.
 - 31 (P) Shiga toxin-producing Escherichia coli, a cause of hemorrhagic colitis, hemolytic uremic
32 syndrome, and thrombotic thrombocytopenic purpura.
 - 33 (Q) Francisella tularensis, the cause of tularemia.
 - 34 (R) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
 - 35 (S) Human Immunodeficiency Virus, the cause of AIDS.
 - 36 (T) Legionella spp., the causes of legionellosis.
 - 37 (U) Leptospira spp., the causes of leptospirosis.

- 1 (V) *Listeria monocytogenes*, the cause of listeriosis.
- 2 (W) Monkeypox.
- 3 (X) *Mycobacterium leprae*, the cause of leprosy.
- 4 (Y) *Plasmodium falciparum*, *P. malariae*, *P. ovale*, and *P. vivax*, the causes of malaria in humans.
- 5 (Z) Poliovirus (any), the cause of poliomyelitis.
- 6 (AA) Rabies virus.
- 7 (BB) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
- 8 (CC) Rubella virus.
- 9 (DD) *Salmonella* spp., the causes of salmonellosis.
- 10 (EE) *Shigella* spp., the causes of shigellosis.
- 11 (FF) Smallpox virus, the cause of smallpox.
- 12 (GG) *Staphylococcus aureus* with reduced susceptibility to vanomycin.
- 13 (HH) *Trichinella spiralis*, the cause of trichinosis.
- 14 (II) Vaccinia virus.
- 15 (JJ) *Vibrio* spp., the causes of cholera and other vibrioses.
- 16 (KK) Yellow fever virus.
- 17 (LL) *Yersinia pestis*, the cause of plague.
- 18 (2) Isolation or other specific identification of the following organisms from normally sterile human body
- 19 sites:
- 20 (A) Group A *Streptococcus pyogenes* (group A streptococci).
- 21 (B) *Haemophilus influenzae*, serotype b.
- 22 (C) *Neisseria meningitidis*, the cause of meningococcal disease.
- 23 (3) Positive serologic test results, as specified, for the following infections:
- 24 (A) Fourfold or greater changes or equivalent changes in serum antibody titers to:
- 25 (i) Any arthropod-borne viruses associated with meningitis or encephalitis in a human.
- 26 (ii) Any hantavirus or hemorrhagic fever virus.
- 27 (iii) *Chlamydia psittaci*, the cause of psittacosis.
- 28 (iv) *Coxiella burnetii*, the cause of Q fever.
- 29 (v) Dengue virus.
- 30 (vi) *Ehrlichia* spp., the causes of ehrlichiosis.
- 31 (vii) Measles (rubeola) virus.
- 32 (viii) Mumps virus.
- 33 (ix) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
- 34 (x) Rubella virus.
- 35 (xi) Yellow fever virus.
- 36 (B) The presence of IgM serum antibodies to:
- 37 (i) *Chlamydia psittaci*.

- 1 (ii) Hepatitis A virus.
2 (iii) Hepatitis B virus core antigen.
3 (iv) Rubella virus.
4 (v) Rubeola (measles) virus.
5 (vi) Yellow fever virus.
6 (4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4)
7 subset of lymphocytes and all results from tests to determine HIV viral load.
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9 *History Note: Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141;*
10 *Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*
11 *Eff. March 1, 1988;*
12 *Amended Eff. October 1, 1994; February 1, 1990;*
13 *Temporary Amendment Eff. July 1, 1997;*
14 *Amended Eff. August 1, 1998;*
15 *Temporary Amendment Eff. February 13, 2003; October 1, 2002; February 18, 2002; June 1, 2001;*
16 *Amended Eff. April 1, 2003;*
17 *Temporary Amendment Eff. November 1, 2003; May 16, 2003;*
18 *Amended Eff. January 1, 2005; April 1, 2004;*
19 *Temporary Amendment Eff. June 1, 2006;*
20 *Amended Eff. April 1, 2008; November 1, 2007; October 1, 2006;*
21 *Temporary Amendment Eff. January 1, 2010;*
22 *Temporary Amendment Expired September 11, 2011;*
23 *Amended Eff. August 1, 2014; July 1, 2013; April 1, 2011.*
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