

## TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

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**VOLUME:** 

ISSUE:

I. Rule-Making Agency: Commission for Public Health
2. RULE CITATION & NAME: 10A NCAC 41A.0101 REPORTABLE DISEASES AND CONDITIONS
3. Action: Adoption Amendment Repeal
4. Was this an Emergency Rule: Yes Effective date: September 2, 2014
5. Provide dates for the following actions as applicable:
a. Proposed Temporary Rule submitted to OAH: August 22, 2014
b. Proposed Temporary Rule published on the OAH website: September 2, 2014
c. Public Hearing date: September 10, 2014
d. Comment Period: September 2 through 23, 2014
e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 22, 2014
f. Adoption by agency on: October 24, 2014
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-21.1(b) and G.S. 150B-21.3]: December 1, 2014
h. Rule approved by RRC as a permanent rule:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.
A serious and unforeseen threat to the public health, safety or welfare.
The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:  A recent change in federal or state budgetary policy.
Effective date of change:
A recent federal regulation.
Cite:
Effective date:
A recent court order.
Cite order:  State Medical Facilities Plan.
Other:
Explain: Middle East respiratory syndrome (MERS) is an emerging infectious disease first identified in September 2012. It

Explain: Middle East respiratory syndrome (MERS) is an emerging infectious disease first identified in September 2012. It is usually associated with respiratory tract infections and is fatal in approximately 1/3 of cases. This disease can spread rapidly if appropriate control measures are not followed. Chikungunya virus infection was first characterized in Africa in 1952. In December 2013 sustained transmission was identified in the Caribbean Islands and travel associated cases were identified in continental US shortly thereafter. In July 2014 local transmission was identified in Florida. Rapid application of control measures may help limit spread if cases are reported once identified.

It is imperative that public health authorities be rapidly notified when these infections are suspected or confirmed so that appropriate control measures can be implemented to prevent further spread. For this reason, the State Health Director issued a temporary order pursuant to G.S. 130A-141.1requiring immediate reporting of either condition effective June 23, 2014. A temporary rule is needed to replace the emergency rule while the permanent rule is pursued. Immediate adoption of the rule is required due to the serious unforeseen health threat posed by these two infectious diseases.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?			
An abbreviated public comment period is required to enable the emergency rule to be replaced by a temporary rule without a lapse in reporting while a permanent rule is being pursued. The agency has provided ongoing regular notices, guidance, and updates to the healthcare community regarding these emerging diseases; temporary orders to report were issues, a pending emergency rule notice was sent prior to its adoptions, and abbreviated notice of temporary rulemaking has been issues.			
8. Rule establishes or increases a fee? (See G.S. 12-3.1)			
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:			
⊠ No			
9. Rule-making Coordinator: Chris Hoke, JD	10. Signature of Agency Head*:		
Phone: 919 707-5006	If a last		
E-Mail: Chris.hoke@dhhs.nc.gov	If this function has been delegated (reassigned) pursuant		
	to G.S. 143B-10(a), submit a copy of the delegation with this form.		
Agency contact, if any: Bob Martin	Typed Name: Felice Pete		
Phone: 919 707-5179	Title: Chair, Commission for Public Health		
E-Mail: bob.martin@dhhs.nc.gov			
RULES REVIEW COMMISSION USE ONLY			
Action taken:	Submitted for RRC Review:		
Date returned to agency:			

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1
       10A NCAC 41A .0101 is amended under temporary procedures as follows:
 2
 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
       reportable within the time period specified after the disease or condition is reasonably suspected to exist:
 5
                         acquired immune deficiency syndrome (AIDS) - 24 hours;
 6
                (1)
 7
                (2)
                         anthrax - immediately;
                         botulism - immediately;
 8
                (3)
 9
                (4)
                         brucellosis - 7 days;
10
                         campylobacter infection - 24 hours;
                (5)
11
                (6)
                         chancroid - 24 hours;
12
                (7)
                         chikungunya virus infection - 24 hours;
                         chlamydial infection (laboratory confirmed) - 7 days;
13
                (7)(8)
14
                <del>(8)</del>(9)
                         cholera - 24 hours;
15
                (9)(10) Creutzfeldt-Jakob disease – 7 days;
16
                \frac{(10)}{(11)} cryptosporidiosis – 24 hours;
17
                (11)(12) cyclosporiasis – 24 hours;
18
                (12)(13) dengue - 7 days;
19
                (13)(14) diphtheria - 24 hours;
20
                (14)(15) Escherichia coli, shiga toxin-producing - 24 hours;
21
                (15)(16) ehrlichiosis – 7 days;
22
                (16)(17) encephalitis, arboviral - 7 days;
23
                (17)(18) foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other and
24
                         unknown causes - 24 hours;
25
                (18)(19) gonorrhea - 24 hours;
26
                (19)(20) granuloma inguinale - 24 hours;
27
                (20)(21) Haemophilus influenzae, invasive disease - 24 hours;
28
                \frac{(21)(22)}{(21)} Hantavirus infection – 7 days;
29
                (22)(23) Hemolytic-uremic syndrome – 24 hours;
30
                (23)(24) Hemorrhagic fever virus infection – immediately;
31
                \frac{(24)}{(25)} hepatitis A - 24 hours;
32
                (25)(26) hepatitis B - 24 hours;
33
                (26)(27) hepatitis B carriage - 7 days;
34
                \frac{(27)(28)}{(28)} hepatitis C, acute – 7 days;
35
                (28)(29) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
36
                (29)(30) influenza virus infection causing death – 24 hours;
37
                (30)(31) legionellosis - 7 days;
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1
                (31)(32) leprosy – 7 days;
 2
                (32)(33) leptospirosis - 7 days;
 3
                (33)(34) listeriosis – 24 hours;
 4
                (34)(35) Lyme disease - 7 days;
                (35)(36) lymphogranuloma venereum - 7 days;
 5
                (36)(37) malaria - 7 days;
 6
 7
                (37)(38) measles (rubeola) - 24 hours;
 8
                (38)(39) meningitis, pneumococcal - 7 days;
 9
                (39)(40) meningococcal disease - 24 hours;
10
                (41) Middle East respiratory syndrome (MERS) - 24 hours;
11
                (40)(42) monkeypox – 24 hours;
                (41)(43) mumps - 7 days;
12
                (42)(44) nongonococcal urethritis - 7 days;
13
14
                (43)(45) novel influenza virus infection – immediately;
15
                (44)(46) plague - immediately;
16
                (45)(47) paralytic poliomyelitis - 24 hours;
17
                (46)(48) pelvic inflammatory disease – 7 days;
18
                \frac{(47)(49)}{(49)} psittacosis - 7 days;
19
                (48)(50) Q fever - 7 days;
20
                (49)(51) rabies, human - 24 hours;
21
                (50)(52) Rocky Mountain spotted fever - 7 days;
22
                (51)(53) rubella - 24 hours;
23
                (52)(54) rubella congenital syndrome - 7 days;
24
                (53)(55) salmonellosis - 24 hours;
25
                (54)(56) severe acute respiratory syndrome (SARS) – 24 hours;
26
                (55)(57) shigellosis - 24 hours;
27
                (56)(58) smallpox - immediately;
28
                (57)(59) Staphylococcus aureus with reduced susceptibility to vancomycin – 24 hours;
29
                (58)(60) streptococcal infection, Group A, invasive disease - 7 days;
30
                (59)(61) syphilis - 24 hours;
31
                (60)(62) tetanus - 7 days;
32
                (61)(63) toxic shock syndrome - 7 days;
33
                (62)(64) trichinosis - 7 days;
34
                (63)(65) tuberculosis - 24 hours;
35
                (64)(66) tularemia – immediately;
36
                (65)(66) typhoid - 24 hours;
37
                (66)(67) typhoid carriage (Salmonella typhi) - 7 days;
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1	<del>(67)</del> (68	3) typhus	, epidemic (louse-borne) - 7 days;	
2	(68)(69) vaccinia – 24 hours;			
3	$\frac{(69)(70)}{(69)}$ vibrio infection (other than cholera) – 24 hours;			
4	<del>(70)</del> (71	<u>)</u> whoop	ing cough – 24 hours; and	
5	<del>(71)</del> (72	<u>?)</u> yellow	fever - 7 days.	
6	(b) For purposes	s of repor	rting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus	
7	culture, repeated	lly reacti	ve EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test,	
8	positive nucleic	acid det	ection (NAT) test, or other confirmed testing method approved by the Director of the State	
9	Public Health La	boratory	conducted on or after February 1, 1990. In selecting additional tests for approval, the Director	
10	of the State Publ	ic Health	Laboratory shall consider whether such tests have been approved by the federal Food and Drug	
11	Administration,	recomm	nended by the federal Centers for Disease Control and Prevention, and endorsed by the	
12	Association of P	ublic He	ealth Laboratories.	
13	(c) In addition to	the labo	oratory reports for Mycobacterium tuberculosis, Neisseria gonorrhoeae, and syphilis specified in	
14	G.S. 130A-139,	laborato	ries shall report:	
15	(1)	Isolati	on or other specific identification of the following organisms or their products from human	
16		clinica	l specimens:	
17		(A)	Any hantavirus or hemorrhagic fever virus.	
18		(B)	Arthropod-borne virus (any type).	
19		(C)	Bacillus anthracis, the cause of anthrax.	
20		(D)	Bordetella pertussis, the cause of whooping cough (pertussis).	
21		(E)	Borrelia burgdorferi, the cause of Lyme disease (confirmed tests).	
22		(F)	Brucella spp., the causes of brucellosis.	
23		(G)	Campylobacter spp., the causes of campylobacteriosis.	
24		(H)	Chlamydia trachomatis, the cause of genital chlamydial infection, conjunctivitis (adult and	
25			newborn) and pneumonia of newborns.	
26		(I)	Clostridium botulinum, a cause of botulism.	
27		(J)	Clostridium tetani, the cause of tetanus.	
28		(K)	Corynebacterium diphtheriae, the cause of diphtheria.	
29		(L)	Coxiella burnetii, the cause of Q fever.	
30		(M)	Cryptosporidium parvum, the cause of human cryptosporidiosis.	
31		(N)	Cyclospora cayetanesis, the cause of cyclosporiasis.	
32		(O)	Ehrlichia spp., the causes of ehrlichiosis.	
33		(P)	Shiga toxin-producing Escherichia coli, a cause of hemorrhagic colitis, hemolytic uremic	
34			syndrome, and thrombotic thrombocytopenic purpura.	
35		(Q)	Francisella tularensis, the cause of tularemia.	
36		(R)	Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.	
37		(S)	Human Immunodeficiency Virus, the cause of AIDS.	

1		(T)	Legionel	lla spp., the causes of legionellosis.	
2		(U)	Leptospi	ra spp., the causes of leptospirosis.	
3		(V)	Listeria 1	monocytogenes, the cause of listeriosis.	
4		(W)	Middle E	East respiratory syndrome virus.	
5		<del>(W)</del> (X)	Monkey	pox.	
6		( <u>X)(Y)</u>	Mycobac	cterium leprae, the cause of leprosy.	
7		<del>(Y)</del> (Z)	Plasmod	ium falciparum, P. malariae, P. ovale, and P. vivax, the causes of malaria in humans.	
8		<del>(Z)</del> (AA)	<u>)</u> Polioviru	us (any), the cause of poliomyelitis.	
9		(AA)(B	B)Rabies	virus.	
10		<del>(BB)(</del> C	C)Ricketts	sia rickettsii, the cause of Rocky Mountain spotted fever.	
11		(CC)(D	<u>D)</u> Rubella	ı virus.	
12		<del>(DD)</del> (E	E)Salmon	ella spp., the causes of salmonellosis.	
13		(EE)(FF	<u>Shigella</u>	spp., the causes of shigellosis.	
14		<del>(FF)</del> (GC	<u>G)</u> Smallpo	ox virus, the cause of smallpox.	
15		(GG)(HH)Staphylococcus aureus with reduced susceptibility to vanomycin.			
16		(HH)(II) Trichinella spiralis, the cause of trichinosis.			
17		( <del>II)</del> (JJ)	Vaccinia	virus.	
18		(JJ)(KK)Vibrio spp., the causes of cholera and other vibrioses.			
19		(KK)(LL)Yellow fever virus.			
20		(LL)(MM)Yersinia pestis, the cause of plague.			
21	(2)	Isolation or other specific identification of the following organisms from normally sterile human body			
22		sites:			
23		(A)	Group A	Streptococcus pyogenes (group A streptococci).	
24		(B)	Haemopl	hilus influenzae, serotype b.	
25		(C)	Neisseria	a meningitidis, the cause of meningococcal disease.	
26	(3)	Positive	serologic	test results, as specified, for the following infections:	
27		(A)	Fourfold	or greater changes or equivalent changes in serum antibody titers to:	
28			(i)	Any arthropod-borne viruses associated with meningitis or encephalitis in a human.	
29			(ii)	Any hantavirus or hemorrhagic fever virus.	
30			(iii)	Chlamydia psittaci, the cause of psittacosis.	
31			(iv)	Coxiella burnetii, the cause of Q fever.	
32			(v)	Dengue virus.	
33			(vi)	Ehrlichia spp., the causes of ehrlichiosis.	
34			(vii)	Measles (rubeola) virus.	
35			(viii)	Mumps virus.	
			(iv)	Dialretteia midretteii the course of Dealey Mountain anotted favor	
36			(ix)	Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.	

I		(X	K1)	Yellow fever virus.
2		(B) T	he pre	esence of IgM serum antibodies to:
3		(i	.)	Chlamydia psittaci.
4		(i	i)	Hepatitis A virus.
5		(i	ii)	Hepatitis B virus core antigen.
6		(i	v)	Rubella virus.
7		(v	v)	Rubeola (measles) virus.
8		(v	vi)	Yellow fever virus.
9	(4)	Laboratory	y resul	Its from tests to determine the absolute and relative counts for the T-helper (CD4)
10		subset of lymphocytes and all results from tests to determine HIV viral load.		
11				
12	History Note:	Authority (	G.S. 1	30A-134; 130A-135; 130A-139; 130A-141;
13		Temporary	y Rule	Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;
14		Eff. March	ı 1, 19	188;
15		Amended I	Eff. O	ctober 1, 1994; February 1, 1990;
16		Temporary	y Ame	ndment Eff. July 1, 1997;
17		Amended I	Eff. Aı	igust 1, 1998;
18		Temporary	y Ame	ndment Eff. February 13, 2003; October 1, 2002; February 18, 2002; June 1, 2001;
19		Amended I	Eff. A <sub>l</sub>	pril 1, 2003;
20		Temporary	y Ame	ndment Eff. November 1, 2003; May 16, 2003;
21		Amended I	Eff. Ja	nuary 1, 2005; April 1, 2004;
22		Temporary	y Ame	ndment Eff. June 1, 2006;
23				oril 1, 2008; November 1, 2007; October 1, 2006;
24		Temporary	y Ame	ndment Eff. January 1, 2010;
25		Temporary	y Ame	ndment Expired September 11, 2011;
26				ly 1, 2013;
27		Emergency	y Ame	ndment Eff. September 2, 2014;
28		<u>Temporary</u>	y Ame	<u>ndment Eff. December1, 2014.</u>