

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 issued, a pending emergency rule notice was sent prior to its adoption, and abbreviated notice of temporary rulemaking has been issued.

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

Phone: 919 707-5006

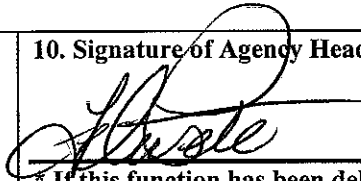
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10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Felice Pete

Title: Chair, Commission for Public Health

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

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
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) chikungunya virus infection - 24 hours;

13 ~~(7)~~(8) chlamydial infection (laboratory confirmed) - 7 days;

14 ~~(8)~~(9) cholera - 24 hours;

15 ~~(9)~~(10) Creutzfeldt-Jakob disease – 7 days;

16 ~~(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 ~~(21)~~(22) Hantavirus infection – 7 days;

29 ~~(22)~~(23) Hemolytic-uremic syndrome – 24 hours;

30 ~~(23)~~(24) Hemorrhagic fever virus infection – immediately;

31 ~~(24)~~(25) hepatitis A - 24 hours;

32 ~~(25)~~(26) hepatitis B - 24 hours;

33 ~~(26)~~(27) hepatitis B carriage - 7 days;

34 ~~(27)~~(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;

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;
5 ~~(35)~~(36) lymphogranuloma venereum - 7 days;
6 ~~(36)~~(37) malaria - 7 days;
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;
12 ~~(41)~~(43) mumps - 7 days;
13 ~~(42)~~(44) nongonococcal urethritis - 7 days;
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 ~~(47)~~(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;

- 1 ~~(67)~~(68) typhus, epidemic (louse-borne) - 7 days;
2 ~~(68)~~(69) vaccinia – 24 hours;
3 ~~(69)~~(70) vibrio infection (other than cholera) – 24 hours;
4 ~~(70)~~(71) whooping cough – 24 hours; and
5 ~~(71)~~(72) yellow fever - 7 days.

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

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

- 15 (1) Isolation or other specific identification of the following organisms or their products from human
16 clinical 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) Legionella spp., the causes of legionellosis.
- 2 (U) Leptospira spp., the causes of leptospirosis.
- 3 (V) Listeria monocytogenes, the cause of listeriosis.
- 4 (W) Middle East respiratory syndrome virus.
- 5 ~~(W)(X)~~ Monkeypox.
- 6 ~~(X)(Y)~~ Mycobacterium leprae, the cause of leprosy.
- 7 ~~(Y)(Z)~~ Plasmodium falciparum, P. malariae, P. ovale, and P. vivax, the causes of malaria in humans.
- 8 ~~(Z)(AA)~~ Poliovirus (any), the cause of poliomyelitis.
- 9 ~~(AA)(BB)~~ Rabies virus.
- 10 ~~(BB)(CC)~~ Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.
- 11 ~~(CC)(DD)~~ Rubella virus.
- 12 ~~(DD)(EE)~~ Salmonella spp., the causes of salmonellosis.
- 13 ~~(EE)(FF)~~ Shigella spp., the causes of shigellosis.
- 14 ~~(FF)(GG)~~ Smallpox 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 ~~(H)(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) Haemophilus influenzae, serotype b.
- 25 (C) Neisseria 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.
- 36 (ix) Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.
- 37 (x) Rubella virus.

- 1 (xi) Yellow fever virus.
- 2 (B) The presence of IgM serum antibodies to:
- 3 (i) Chlamydia psittaci.
- 4 (ii) Hepatitis A virus.
- 5 (iii) Hepatitis B virus core antigen.
- 6 (iv) Rubella virus.
- 7 (v) Rubeola (measles) virus.
- 8 (vi) Yellow fever virus.
- 9 (4) Laboratory results 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. 130A-134; 130A-135; 130A-139; 130A-141;*

13 *Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*

14 *Eff. March 1, 1988;*

15 *Amended Eff. October 1, 1994; February 1, 1990;*

16 *Temporary Amendment Eff. July 1, 1997;*

17 *Amended Eff. August 1, 1998;*

18 *Temporary Amendment Eff. February 13, 2003; October 1, 2002; February 18, 2002; June 1, 2001;*

19 *Amended Eff. April 1, 2003;*

20 *Temporary Amendment Eff. November 1, 2003; May 16, 2003;*

21 *Amended Eff. January 1, 2005; April 1, 2004;*

22 *Temporary Amendment Eff. June 1, 2006;*

23 *Amended Eff. April 1, 2008; November 1, 2007; October 1, 2006;*

24 *Temporary Amendment Eff. January 1, 2010;*

25 *Temporary Amendment Expired September 11, 2011;*

26 *Amended Eff. July 1, 2013;*

27 *Emergency Amendment Eff. September 2, 2014;*

28 *Temporary Amendment Eff. December 1, 2014.*