

**TEMPORARY RULES**  
**REQUEST FOR TECHNICAL CHANGE**

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41A .0101

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

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:

*On the Temporary Rule-Making Findings of Need, Box 3, this is an amendment, not an adoption.*

*Further on the Form, Box 10, the form must be signed by the Head of the Agency. (See Rule 26 NCAC 05 .0302)*

*On Page 5 of the physical copy of the Rule, you do not have a complete History Note; however, you do have one in the electronic copy submitted.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 6, 2016



TEMPORARY RULE-MAKING  
FINDINGS OF NEED  
[Authority G.S. 150B-21.1]

Original 4/1/16

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|---------------------|
| <b>OAH USE ONLY</b> |
| VOLUME:             |
| ISSUE:              |

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| 1. Rule-Making Agency: Commission for Public Health  |
| 2. Rule citation & name: 10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS   |
| 3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal   |
| 4. Was this an Emergency Rule: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Effective date: 3/1/16  |
| 5. Provide dates for the following actions as applicable:<br>a. Proposed Temporary Rule submitted to OAH: 2/22/16<br>b. Proposed Temporary Rule published on the OAH website: 2/29/16<br>c. Public Hearing date: 3/2/16<br>d. Comment Period: 2/23/16 – 3/15/16<br>e. Notice pursuant to G.S. 150B-21.1(a3)(2): 2/23/16<br>f. Adoption by agency on: 5/10/16<br>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]:<br>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:   |
| 6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.<br><input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.<br><input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress.<br>Cite:<br>Effective date:<br><input type="checkbox"/> A recent change in federal or state budgetary policy.<br>Effective date of change:<br><input type="checkbox"/> A recent federal regulation.<br>Cite:<br>Effective date:<br><input type="checkbox"/> A recent court order.<br>Cite order:<br><input type="checkbox"/> State Medical Facilities Plan.<br><input type="checkbox"/> Other:   |
| Explain: It is imperative that public health authorities be rapidly notified when this infection is suspected so that appropriate education can be provided and control measures can be implemented to mitigate the risk of local transmission.<br><br>Zika virus is an emerging arboviral infection that first spread into the western hemisphere in 2015. Four out of five infected persons remain asymptomatic following infection. The remainder of infected persons experience mild clinical illness (fever, rash, joint pain, or conjunctivitis) that lasts up to one week. There is no treatment or vaccine for this infection.<br><br>During the current Zika virus outbreak in Brazil, a marked increase has been reported in the number of infants born with a birth defect known as microcephaly. Other poor pregnancy outcomes, including fetal loss, have also been reported in babies of mothers who were infected with Zika virus while pregnant. However, additional studies are needed to further characterize the relationship of the virus to these outcomes. |

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OFFICE OF ADMIN HEARINGS

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

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Agency contact, if any: Bob Martin

Phone: 919 707-5179

E-Mail: [bob.martin@dhhs.nc.gov](mailto:bob.martin@dhhs.nc.gov)

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: Ronald May, MD

Title: Vice Chair, Commission for Public Health

E-Mail: [rmay@carolinaeasthealth.com](mailto:rmay@carolinaeasthealth.com)

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 10A NCAC 41A .0101 is adopted 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  
5 made 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 (8) chlamydial infection (laboratory confirmed) - 7 days;
- 14 (9) cholera - 24 hours;
- 15 (10) Creutzfeldt-Jakob disease – 7 days;
- 16 (11) cryptosporidiosis – 24 hours;
- 17 (12) cyclosporiasis – 24 hours;
- 18 (13) dengue - 7 days;
- 19 (14) diphtheria - 24 hours;
- 20 (15) Escherichia coli, shiga toxin-producing - 24 hours;
- 21 (16) ehrlichiosis – 7 days;
- 22 (17) encephalitis, arboviral - 7 days;
- 23 (18) foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other  
24 and unknown causes - 24 hours;
- 25 (19) gonorrhea - 24 hours;
- 26 (20) granuloma inguinale - 24 hours;
- 27 (21) Haemophilus influenzae, invasive disease - 24 hours;
- 28 (22) Hantavirus infection – 7 days;
- 29 (23) Hemolytic-uremic syndrome – 24 hours;
- 30 (24) Hemorrhagic fever virus infection – immediately;
- 31 (25) hepatitis A - 24 hours;
- 32 (26) hepatitis B - 24 hours;
- 33 (27) hepatitis B carriage - 7 days;
- 34 (28) hepatitis C, acute – 7 days;
- 35 (29) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
- 36 (30) influenza virus infection causing death – 24 hours;
- 37 (31) legionellosis - 7 days;

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

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

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

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

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

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

- 1 (viii) Mumps virus.
- 2 (ix) Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.
- 3 (x) Rubella virus.
- 4 (xi) Yellow fever virus.
- 5 (B) The presence of IgM serum antibodies to:
  - 6 (i) Chlamydia psittaci.
  - 7 (ii) Hepatitis A virus.
  - 8 (iii) Hepatitis B virus core antigen.
  - 9 (iv) Rubella virus.
  - 10 (v) Rubeola (measles) virus.
  - 11 (vi) Yellow fever virus.
- 12 (4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4)
- 13 subset of lymphocytes and all results from tests to determine HIV viral load.
- 14

15 *History Note: Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141;*  
16 *Amended Eff. October 1, 1994; February 1, 1990;*  
17 *Temporary Amendment Eff. July 1, 1997;*  
18 *Amended Eff. August 1, 1998;*  
19 *Temporary Amendment Eff. February 13, 2003; October 1, 2002; February 18, 2002; June 1,*  
20 *2001;*  
21 *Amended Eff. April 1, 2003;*  
22 *Temporary Amendment Eff. November 1, 2003; May 16, 2003;*  
23 *Amended Eff. January 1, 2005; April 1, 2004;*  
24 *Temporary Amendment Eff. June 1, 2006;*  
25 *Amended Eff. April 1, 2008; November 1, 2007; October 1, 2006;*  
26 *Temporary Amendment Eff. January 1, 2010;*  
27 *Temporary Amendment Expired September 11, 2011;*  
28 *Amended Eff. July 1, 2013;*  
29 *Temporary Amendment Eff. December 2, 2014;*  
30 *Amended Eff. October 1, 2015;*  
31 *Emergency Amendment Eff. ~~March 1, 2016.~~ March 1, 2016;*  
32 *Temporary Amendment Eff.*