

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

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2004 AUG 27 P 2:37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #3

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: DHHR - Bureau for Public Health TITLE NUMBER: 64

CITE AUTHORITY: §§16-3-1, 16-1-4, 16-3C-1 et seq, 16-4-1 et seq., 16-22-3, 16-35-4 and 16-40-7

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Reportable Diseases, Events and Conditions

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

**Department of Health and Human Resources
Bureau for Public Health
Legislative Rule
Title 64, Series 7**

REPORTABLE DISEASES, EVENTS AND CONDITIONS

STATEMENT OF CIRCUMSTANCES

The rule on reportable diseases, events and conditions is in need of a major revision. There are many new diseases to be added as well as events that have not been contemplated prior to this rule revision. The reporting times for certain disease or events have been shortened and the imminent availability of electronic reporting of these diseases, events and conditions has been written into the rule.

BRIEF SUMMARY OF PROPOSED RULE

The rule expands the number of categories of diseases to be reported by health care providers and laboratories from 3 to 5 and many of the diseases within those categories have been re-examined to be sure that they are listed in the correct category. The rule adds three new sections addressing reportable event or conditions in response to new health threats from zoonotic diseases to bioterrorism to SARS. Since many of these diseases or events were previously unknown, the bureau has included new sections to explain the procedure and protocol on reporting in these unusual circumstances. In the rule some of the time frames for reporting have been changed and we have made consistent and repeated references to the West Virginia Electronic Disease Surveillance System (WVEDSS) as the preferred mechanism to report these diseases, events and conditions once that system is fully up and operational. Other clean up and clarification changes have been made to make the rule easier for those who must abide by it to understand the requirements.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Reportable Disease, Events & Conditions 64CSR7

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency: Bureau for Public Health, Division of Health, Department of Health & Human Resources

Address: Building 3, Capitol Complex
Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$0.00	\$671,347.00	\$480,147.00
Personal Services			\$0.00	\$231,347.00	\$231,347.00
Current Expense			\$0.00	\$118,000.00	\$98,800.00
Repairs & Alterations					
Equipment			\$0.00	\$152,000.00	\$0.00
Other (Software)				\$170,000.00	\$150,000.00
Revenue					

2. Explanation of above estimates.

Personal Services - One new position: (1) Programmer Analyst II to administer Oracle database responsibilities within the integrated WV Electronic Disease Surveillance System (WVEDSS) and WV State Immunization Information System (WVSIIS) (salary \$37,750 fringe \$14,280). The Office of Laboratory Services (OLS) will need 2 FTEs to support and administer LIMS (salary for Programmer Analyst 3 @ \$43,500, fringe \$15,578 and Data Entry Operator @ \$25,000, fringe \$11,403) and 2 additional FTEs (Microbiologist 1 @ \$27,000, fringe \$11,854 and Microbiologist 2 @ \$32,000, fringe \$12,982)for disease outbreak response and surge capacity.

Current Expense - Funds to support training (ie. quarterly training sessions, drills, outreach to hospitals, trips to conferences, training for state IDEP staff) and related travel, totaling \$48,000. Additional costs of \$20,000 are estimated for development of WVEDSS reporting forms and \$50,000 for OLS testing reagents for disease confirmation, e.g. pertussis, Hepatitis C Virus, Influenza, etc., which includes \$1,500 per outbreak (about 25 per year) for additional outbreak response reagents.

Equipment - 1 computer @ \$2,000 and \$150,000 for the OLS Laboratory Information Management System (LIMS) computer hardware that will enable the interface with WVEDSS.

Software - Programs for WVEDSS export to LIMS and \$100,000 for interfacing with commercial labs.

3. Objectives of this rule: The proposed changes to this rule expands the number of categories of disease to be reported by health care providers and laboratories from 3 to 5. Many of the diseases within those categories have been re-examined to be sure that they are listed in the correct category. Three new sections are added to address reportable event or conditions in response to new health threats from zoonotic diseases to bioterrorism to SARS. Since many of these diseases or events were previously unknown, the Department has included new sections to explain the procedure and protocol on reporting these unusual circumstances. Some of the time frames for reporting have been changed. The Department has referenced the West Virginia Electronic Disease Surveillance System

(WVEDSS) as the preferred mechanism to report these diseases, events and conditions once that system is fully up and operational. Other clean up and clarification changes have been made to make the requirements of the rule easier to understand.

4. Explanation of Overall Economic Impact of Proposed Rule.

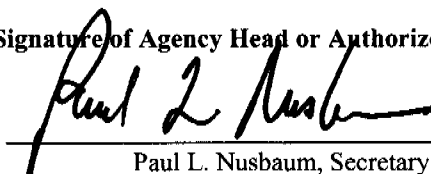
A. Economic Impact on State Government. Other than the DHHR, BPH costs estimated in Section 2, there are no additional economic cost anticipated.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens. This would enable more efficient local health department(LHD) and hospital response to: emerging infectious diseases, bioterrorism events and outbreaks. Electronic data collection and reporting versus the labor intensive collection of written information, creation, distribution, and retention of hard copy documents may result in decreased costs to the LHDs as well as hospital infection control units. Local health departments will be provided what is needed to comply with mandates required for electronic reporting to WVEDDS as will hospital infection control practitioners. Hospital laboratories and private providers, however, will need to underwrite the cost of preparing an interface with WVEDDS and their existing medical record patient management system, otherwise they will have to manually enter lab test results and disease report data into the Web application provided by WVEDDS.

C. Economic Impact on Citizens/Public at Large. More efficient LHD, laboratory, and hospital reporting of possible emerging infectious diseases, bioterrorism events, and outbreaks will allow for quicker public health response times and improved patient health outcomes. The improved patient health outcomes should reduce health care costs to the citizens.

Date: 8-27-04

Signature of Agency Head or Authorized Representative:



Paul L. Nusbaum, Secretary
Department of Health and Human Resources

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 27, 2004

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) DHHR - Bureau for Public Health
350 Capitol Street, Room 702
Charleston, WV 25301
(304) 558-2971

LEGISLATIVE RULE TITLE: Reportable Diseases, Events and Conditions

1. Authorizing statute(s) citation WV Code §§16-3-1, 16-4-1, 16-3C-1 et seq., 16-4-1 et seq., 16-22-3, 16-35-4 and 16-40-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
Public Comment began July 28, 2004

b. What other notice, including advertising, did you give of the hearing?
not applicable

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public Comment period ended August 27, 2004

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached X No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 27, 2004

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

John Law, Assistant Secretary
WVDHHR - Office of the Secretary
Building 3, Room 206
Charleston, WV 25305

Loretta Haddy, State Epidemiologist or
Ann Spaner, Bureau for Public Health
350 Capitol St., Charleston, WV 25301

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

same people

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

not applicable

b. Date of hearing or comment period:

comment period ran from July 28th to August 27, 2004

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

Attached n/a

64 CSR 7
1 of 2 comments

From: Loretta Haddy
To: rwhite
Date: 8/27/04 11:06:54 AM
Subject: Re: Reportable Disease Rule Response

Response to your comment regarding the Reportable Disease Rule:

7.4 is designed to hold us more accountable because we in Public Health should be held accountable. The language.. "an appropriate investigation"...is used for this purpose. This language gives us the power to respond should the event being investigated not be a required reportable disease. On the other hand, it gives public health the flexibility to gather baseline data that may not otherwise be available (in the case where the event is not a required reportable disease).

Also, this section is referenced in 64-7-9, Other Reportable Events: Bioterrorism response: 9.7

7.4.c. allows for language in an appropriate case definition to have the flexibility to be changed without having to go through the rule-making process.

>>> "rwhite" <rwhite@monchd.org> 8/25/2004 9:47:36 AM >>>
Loretta,

I've been reviewing the CD Rule and came across this disagreement-

Subsection 7.4 deals with CDC's outbreak protocol. Is it a good idea to put a protocol in code that CDC may change? Also 7.4 says, "An appropriate investigation generally includes" What if the health department doesn't follow the steps? Would this be considered an "inappropriate" investigation?

Coming form an environmental health background I read things a little differently. EH protocols are not generally in code because of legal reasons.

See you soon.....Bob

Robert W. White II, RS, MPH
Regional Epidemiologist
Monongalia County Health Department
453 VanVoorhis Road
Morgantown, WV 26505
1-304-598-5100 (W)
1-304-692-5241 (C)

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CC: Ann Spaner

From: Ann Spaner
To: Kathy Cummons; Loretta Haddy; Melissa Baker; Pat Moss
Date: 8/27/04 11:38:19 AM
Subject: Fwd: Re: rules and regs

This is the 2nd of 2 comments received on **64CSR7 and the response.**

>>> Loretta Haddy 8/27/04 11:35:02 AM >>>

In response to your comment regarding the Reportable Disease Rule, 64CSR7:

The OMCFH statutes (16-40, 16-22 & 16-35) will be incorporated in the Authority Section 1.2 .

Pat, what you may want to consider for a future rule change is to include newborn screening in the required list of conditions reported to the State. Lead and birth defects are already included. I would like to request a written protocol for lead and birth defect so they can be included in the Reportable Disease Protocol Manual that is reference in all of the categories for disease reporting. You can see the current format for these protocols by going to our Website at <http://www.wvdhhr.org/idep> . thank you.

>>> Pat Moss 8/26/2004 4:51:29 PM >>>

Kathy/Loretta/Melissa,

We've never referenced metabolic screening under Reportable Disease. Maybe this was an oversight, but we never have. It's already in statute and it's specifically references the testing and reporting requirements. Do we need to think about this before we tell Loretta to proceed?

Pat

>>> Kathy Cummons 8/26/2004 3:40:02 PM >>>

FYI-- For the rules and regs for reportable diseases, we suggested the attached. (comment from Melissa Baker. see below)

>>> Melissa Baker 8/26/2004 11:07:54 AM >>>

loretta,

in section 64-7-4 there should be a reference to the legislation attached to the birth defects system - wv code 16-40. also, newborn screening (16-22) and childhood lead (16-35) should be referenced since they are reportable diseases. please let me know how this will be incorporated or if you need more input from us, thanks!

melissa

CC: Joe Barker

TITLE 64
LEGISLATIVE RULE
BUREAU FOR PUBLIC HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 7
REPORTABLE DISEASES, EVENTS AND CONDITIONS

FILED
2004 AUG 27 P 2:37
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§64-7-1. General.

1.1. Scope -- This legislative rule establishes procedures governing the reporting of certain diseases and conditions, unusual health events, and clusters or outbreaks of diseases to the ~~division of~~ bureau for public health. It also establishes the responsibility of various individuals and facilities in controlling communicable diseases. The WV Code is available in public libraries and on the Legislature's web page, <http://www.legis.state.wv.us/>.

1.2. Authority. -- WV Code §§16-3-1, and 16-1-4; related 16-3C-1 et seq., and 16-4-1 et seq., 16-22-3, 16-35-4 and 16-40-7.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Applicability. -- This rule applies to physicians and other licensed health practitioners; local health officers; other public health providers; private or public laboratories; all health care facilities; the bureau; health care professional licensing boards and agencies; any individual administering immunizations; administrators of schools, camps, and vessels; administrators of health care facilities operated by the department; the State registrar of vital statistics; county humane officers, dog wardens, sheriffs, pathologists, coroners, veterinarians and other animal health care providers, and medical examiners; and any other person investigating or treating disease, health conditions, exposure or alleged exposure to infectious agents, or cause of death.

1.6. Enforcement. -- This rule is enforced by the commissioner of the West Virginia bureau for public health or his or her lawful designee.

§64-7-2. Definitions.

2.1. Animal health care providers - Veterinarians or veterinary technicians or other individuals providing health care to animals.

2.2 Biological toxin - Toxin produced by microorganisms, including botulinum toxin or toxins of Staphylococcus aureus or Clostridium perfringens; or toxic products or byproducts of higher plants or animals, such as ricin.

2.3. Bioterrorism Agent - Infectious agent or biological toxin deliberately introduced into the food, air, water or other part of the environment; or directly into an animal or human with the criminal intent of causing disease in animals or humans.

2.4. Bioterrorist event - The occurrence of a case of disease or a disease outbreak due to a bioterrorism agent; or attempted exposure of one or more individuals to a bioterrorism agent.

~~2.1.~~ 2.5. Bureau - The bureau for public health of the West Virginia department of health and human resources.

2.6. Case - An occurrence of disease in a human or animal which meets a specific case definition listed in the West Virginia Reportable Diseases Protocol Manual or a case definition approved by the commissioner. (Manual is available online at <http://www.wvdhhr.org/idep>)

2.7. Cluster - An aggregation of cases of disease in time and place with or without exceeding the expected number of cases; frequently the expected number of cases is not known.

~~2.2.~~ 2.8. Commissioner - The commissioner of the bureau for public health of the West

Virginia department of health and human resources or his or her designee.

~~2.3:~~ 2.9. Communicable Disease - A disease caused by an infectious agent or its toxic products, which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, arthropod, environmental exposure or other source.

~~2.4:~~ 2.10. Department - The West Virginia department of health and human resources.

2.11. Epidemic - The occurrence of more cases of disease than expected in a given area among a specific group of people over a particular period of time.

~~2.5:~~ 2.12. Epidemiologic Information - Medical data or other information, interviews, investigative reports, other records and notes collected during the course of an epidemiologic investigation of a disease, condition, or outbreak.

2.13. Epidemiologic Investigation - An investigation to determine the distribution, determinants and risk factors for disease in a specified population, for the purpose of prevention or control of the disease in the population; or to evaluate prevention and control efforts; or for increased understanding of the effects of the disease on the population.

~~2.6:~~ 2.14. Health care provider - Any physician, dentist, nurse, or other individual who provides medical, dental, nursing, or other health care services of any kind to individuals.

~~2.7:~~ 2.15. Health care facility - Any hospital, nursing home, clinic, cancer treatment center, laboratory, or other facility which provides health care or diagnostic services to individuals, whether public or privately owned.

~~2.8:~~ 2.16. Hospital - A facility licensed as a hospital under WV Division of Health Legislative Rule, Hospital Licensure, 64 CSR 12.

2.17. Infectious Agent - A biological organism such as a bacteria, parasite or virus; or a bacterial toxin; or a prion capable of causing disease in animals or man when introduced into the

individual through water, air, food, the environment or by the percutaneous or other route.

2.18. Intentional Exposure - The deliberate introduction of a harmful agent into the air, water, food or environment of an individual or group of individuals with the intent of causing disease.

~~2.9:~~ 2.19. Isolation - The separation of infected persons or animals from other persons or animals, under the necessary time frame and conditions to prevent the direct or indirect transmission of the infectious agent from the infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

~~2.10:~~ 2.20. Laboratory - Any licensed facility or place, however named, for the biologic, microbiologic, serologic, virologic, chemical, hematologic, immuno-hematologic, biophysical, cytologic, pathologic, genetic, molecular or other examination of materials for the purpose of providing medical or epidemiologic information for the diagnosis, prevention or treatment of any disease, ~~or the impairment of~~, or the assessment of the health of human beings. The term "laboratory" includes both public and private laboratories, free-standing laboratories, and hospital laboratories.

2.21. Law Enforcement Personnel - Any person who is employed by a local, county, state or federal agency with law enforcement responsibilities.

~~2.11:~~ 2.22. Local Board of Health - A board of health serving one or more counties, one or more municipalities, or a combination thereof.

~~2.12:~~ 2.23. Local Health Department - The staff of the local board of health.

~~2.13:~~ 2.24. Local Health Officer - The individual who fulfills the duties and responsibilities of the health officer for a local board of health, or his or her designee.

~~2.14:~~ 2.25. Medical Information - Data or other information regarding the history, examination, radiological or lab laboratory

findings, diagnosis, treatment, or other clinical care for a person examined or treated for a suspected or actual disease.

~~2.15:~~ 2.26. Nursing Home - Any facility licensed as a nursing home under WV Legislative Rule, Nursing Home Licensure, 64 CSR 13, or any extended care facility operated in conjunction with a hospital.

2.27. Outbreak - see Epidemic.

2.28. OLS - The office of laboratory services in the bureau.

~~2.16:~~ 2.29. Physician - An individual licensed to practice medicine by either the board of medicine or the board of osteopathy.

~~2.17:~~ 2.30. Placarding - The posting on a home, building or other structure of a sign or notice warning of the presence of a communicable disease or other health hazard and the danger of the disease or hazard within or beyond the placarded home, building or structure.

~~2.18:~~ 2.31. Quarantine - The limitation of freedom of movement of persons or animals in a time frame and manner to prevent contacts that could lead to spread of disease.

~~2.19:~~ 2.32. Reportable Disease or Condition - Any disease or condition required to be reported by this rule.

~~2.20:~~ 2.33. STD - Sexually transmitted disease.

2.34. Surveillance - The systematic collection, analysis, interpretation and dissemination of health data on an ongoing basis, to gain knowledge of the pattern of disease occurrence and potential in a community; or to understand the disease patterns in the community in order to control and prevent disease in the community, or to evaluate prevention and control efforts.

2.35. WVEDSS - West Virginia Electronic Disease Surveillance System - An electronic data system for reporting and tracking cases and outbreaks of infectious diseases with simultaneous reporting of the disease to the state and local

health departments.

§64-7-3. Selection, Categorization, and Required Reporting.

3.1. Selection and Categorization of Required Reportable Diseases and Conditions.

3.1.a. The commissioner may, by order filed with the Secretary of State, add or delete a disease or condition in any category. The commissioner shall select and categorize diseases and conditions for inclusion in this rule based on whether the disease or condition constitutes or has the potential to constitute a public health emergency, whether it requires public health follow up, or whether the collection of data or other information on the disease or condition can assist in either determining the need for or effectively implementing public health programs or other projects to protect and promote the health of the people of West Virginia.

3.1.b. In emergency situations, such as potential epidemics, the commissioner may require same day reporting for diseases and conditions in any of the categories listed in this rule.

3.2. Reporting of Diseases and Conditions.

3.2.a. The commissioner shall establish specific protocols for reporting diseases and conditions that may be found in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>). The protocols shall include any information to be reported beyond that listed in this rule and any additional information necessary regarding reporting or appropriate public health management.

3.2.b. The reports required by this rule ~~may~~ shall be ~~made~~ reported electronically to WVEDSS in a manner approved by the commissioner or on forms supplied by the commissioner.

3.3. Category I Reportable Diseases and Conditions.

3.3.a. Health care providers, health care

facilities and laboratories shall report cases of Category I diseases or conditions listed in subdivisions 3.3.b and 3.3.c of this section by telephone to the local health department in serving the patient's county of residence ~~within twenty-four (24) hours of diagnosis; immediately; and also shall immediately file an electronic report with WVEDSS. All local health departments shall report the case to the bureau immediately upon receipt of the report (toll free at 1 800 423 1271). When WVEDSS is certified as operational by the commissioner, the local health department shall use WVEDSS to file the report.~~ The reports shall include the patient's name, address, telephone number, date of birth, sex, and the physician's name, office address, office phone and fax numbers, and any other information requested by the commissioner relevant to the purposes of this rule.

3.3.b. Category I.A diseases and conditions reportable by health care providers and health care facilities are:

- 3.3.b.1. Anthrax;
- 3.3.b.2. Bioterrorist event, suspect or confirmed;
- ~~3.3.b.2.~~ 3.3.b.3. Botulism;
- ~~3.3.b.3.~~ Brucellosis;
- ~~3.3.b.4.~~ Cholera;
- ~~3.3.b.5.~~ Dengue Fever;
- ~~3.3.b.6.~~ Diphtheria;
- ~~3.3.b.7.~~ Enterohemorrhagic Escherichia coli (EHEC) including but not limited to E. coli O157:H7;
- ~~3.3.b.8.~~ 3.3.b.4. Foodborne Disease disease, suspect or confirmed;
- ~~3.3.b.9.~~ Haemophilus influenzae, Invasive Disease;
- ~~3.3.b.10.~~ Hemolytic Uremic Syndrome, postdiarrheal;

- ~~3.3.b.11.~~ Hepatitis A, acute;
- ~~3.3.b.12.~~ Hepatitis B, acute or perinatal;
- ~~3.3.b.13.~~ Hepatitis D;
- 3.3.b.5. Intentional exposure to an infectious agent or biological toxin, suspect or confirmed;
- ~~3.3.b.14.~~ Meningococcal Disease, invasive;
- 3.3.b.6. Orthopox infection, including smallpox and monkeypox;
- ~~3.3.b.15.~~ 3.3.b.7. An outbreak or cluster of any illness or condition - suspect or confirmed;
- ~~3.3.b.16.~~ Pertussis (Whooping Cough);
- ~~3.3.b.17.~~ 3.3.b.8. Plague;
- ~~3.3.b.18.~~ Poliomyelitis;
- ~~3.3.b.19.~~ Rabies in animals or in humans;
- ~~3.3.b.20.~~ Rubella (German Measles);
- ~~3.3.b.21.~~ 3.3.b.9. Rubeola (Measles);
- 3.3.b.10. SARS coronavirus infection, suspect or confirmed;
- ~~3.3.b.22.~~ Smallpox;
- ~~3.3.b.23.~~ Staphylococcus aureus with glycopeptide-intermediate (GISA/VISA) or glycopeptide-resistant susceptibilities (GRSA/VRSA);
- ~~3.3.b.24.~~ Tuberculosis (all forms, including antibiotic susceptibility patterns)*;
- ~~3.3.b.25.~~ Tularemia;
- ~~3.3.b.26.~~ Typhoid Fever;

3.3.b.11. Viral hemorrhagic fevers, including filoviruses such as ebola and Marburg and arenaviruses such as lassa fever; and

~~3.3.b.27.~~ 3.3.b.12. Waterborne disease, suspect or confirmed.

~~3.3.b.28. Yellow Fever.~~

~~3.3.c. Reports of Category I.A diseases and conditions marked with one(1) asterisk (*) shall be made on the tuberculosis report form. Others should be submitted on standard reporting cards and supplemental forms.~~

3.3.c. Reports of Category I.A diseases and conditions should be submitted on standard reporting cards and supplemental forms or preferably by filing an electronic report with WVEDSS, in accordance with the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>).

3.3.d. Category I.B diseases and conditions reportable by laboratories are:

3.3.d.1. Bacillus anthracis;

~~3.3.d.2. Bordatella pertussis, microbiologic evidence;~~

3.3.d.2. Bioterrorist event, suspect or confirmed;

~~3.3.d.3. Brucellosis, microbiologic or serologic evidence;~~

~~3.3.d.4.~~ 3.3.d.3. Clostridium botulinum, microbiologic or toxicologic evidence;

~~3.3.d.5. Corynebacterium diphtheriae, microbiologic or histopathologic evidence;~~

~~3.3.d.6. Dengue Fever, serologic evidence;~~

~~3.3.d.7. Enterohemorrhagic Escherichia coli (EHEC) including but not limited to E. coli O157:H7 and Shiga-like toxin-producing E. Coli O157:NM, from any clinical specimen;~~

~~3.3.d.8. Haemophilus influenzae from any normally sterile body site;~~

~~3.3.d.9. Hepatitis A, positive IgM;~~

~~3.3.d.10. Hepatitis B, positive anti-HBc IgM or HBsAg;~~

~~3.3.d.11. Hepatitis D, positive serology;~~

3.3.d.4. Intentional exposure to an infectious agent; suspect or confirmed;

~~3.3.d.12. Neisseria meningitidis from a normally sterile site;~~

3.3.d.5. Orthopox infection, virologic, electron microscopic or molecular evidence;

~~3.3.d.13.~~ 3.3.d.6. Outbreak or cluster of any illness or condition - suspect or confirmed;

~~3.3.d.14. Poliomyelitis, virologic or serologic evidence;~~

~~3.3.d.15. Rabies, animal or human;~~

~~3.3.d.16. Rubella, virologic or serologic evidence;~~

~~3.3.d.17.~~ 3.3.d.7. Rubeola, virologic or serologic evidence;

~~3.3.d.18. Salmonella typhi from any site;~~

~~3.3.d.19. Smallpox, virologic or serologic evidence;~~

~~3.3.d.20. Staphylococcus aureus with glycopeptide-intermediate (GISA/VISA) or glycopeptide-resistant (GRSA/VRSA) susceptibilities;~~

~~3.3.d.21. Tularemia, culture, antigen or serologic evidence;~~

~~3.3.d.22. Vibrio cholerae, microbiologic or serologic evidence;~~

~~3.3.d.23. Yellow Fever, virologic or serologic evidence;~~

3.3.d.8. SARS coronavirus infection, serologic evidence or PCR;

3.3.d.9. Viral hemorrhagic fever;

~~3.3.d.24:~~ 3.3.d.10. Yersinia pestis, microbiologic or serologic evidence; and

~~3.3.d.25:~~ 3.3.d.11. Any other laboratory evidence suggestive of current infection with any of the diseases or conditions listed in Category I.A.

3.4. Category II Reportable Diseases and Conditions.

3.4.a. Health care providers, health care facilities and laboratories shall report cases of Category II diseases or conditions listed in this section by telephone to the local health department in serving the patient's county of residence within one (1) week twenty-four hours of diagnosis, preferably by filing an electronic report with WVEDSS. When WVEDSS is certified as operational by the commissioner, the local health department shall use WVEDSS to file the report. The reports shall include the patient's name, address, telephone number, date of birth, sex, physician's name, office address and office phone and fax numbers, and any other information requested by the commissioner relevant to the purposes of this rule.

3.4.b. Category II.A diseases and conditions reportable by health care providers and health care facilities are:

~~3.4.b.1. Amebiasis;~~

3.4.b.1. Animal bites;

3.4.b.2. Brucellosis;

~~3.4.b.2. Campylobacteriosis;~~

~~3.4.b.3. Chickenpox (numerical totals only);~~

3.4.b.3. Cholera;

~~3.4.b.4. Cryptosporidiosis;~~

~~3.4.b.5. Cyclospora;~~

3.4.b.4. Dengue Fever;

3.4.b.5. Diphtheria;

~~3.4.b.6. Ehrlichiosis;~~

~~3.4.b.7. Encephalitis, Arboviral;~~

~~3.4.b.8. Encephalitis, other primary and unspecified;~~

3.4.b.6. Enterohemorrhagic Escherichia coli (EHEC) including but not limited to E. coli O157:H7;

~~3.4.b.9. Giardiasis;~~

3.4.b.7. Haemophilus influenzae, Invasive Disease;

~~3.4.b.10. Hantavirus Disease;~~

3.4.b.8. Hemolytic Uremic Syndrome, postdiarrheal;

3.4.b.9. Hepatitis A, acute;

3.4.b.10. Hepatitis B, acute, chronic or perinatal;

3.4.b.11. Hepatitis D;

~~3.4.b.11. Influenza-like illness (numerical totals only);~~

~~3.4.b.12. Legionellosis;~~

~~3.4.b.13. Leptospirosis;~~

~~3.4.b.14. Listeria;~~

~~3.4.b.15. Lyme Disease;~~

~~3.4.b.16. Malaria;~~

~~3.4.b.17. Meningitis, Other Bacterial (cases not reported as other specific disease types);~~

3.4.b.12. Meningococcal Disease, invasive;

~~3.4.b.18. Meningitis, Viral or Aseptic;~~

~~3.4.b.19. Mumps;~~

~~3.4.b.13. Pertussis (whooping cough);~~

~~3.4.b.14. Poliomyelitis;~~

~~3.4.b.15. Q-fever (coxiella burnetii);~~

~~3.4.b.16. Rabies; human or animal;~~

~~3.4.b.20. Psittacosis;~~

~~3.4.b.21. Rheumatic Fever;~~

~~3.4.b.22. Rocky Mountain Spotted Fever;~~

~~3.4.b.17. Rubella;~~

~~3.4.b.23. 3.4.b.18. Rubella, Congenital Syndrome;~~

~~3.4.b.24. Salmonellosis (except Typhoid Fever);~~

~~3.4.b.25. Shigellosis;~~

~~3.4.b.26. Streptococcal Disease, invasive Group A, (Streptococcus pyogenes);~~

~~3.4.b.27. Streptococcal Disease, invasive Group B;~~

~~3.4.b.28. Streptococcal Toxic Shock Syndrome;~~

~~3.4.b.29. Streptococcus pneumoniae, invasive disease, (include antibiotic susceptibility patterns);~~

~~3.4.b.30. Tetanus;~~

~~3.4.b.31. Toxic Shock Syndrome~~

~~3.4.b.32. Trichinosis;~~

3.4.b.19. *Staphylococcus aureus* with glycopeptide - intermediate (GISA/VISA) or glycopeptide resistant (GRSA/VRSA) susceptibilities;

~~3.4.b.33. 3.4.b.20. Tuberculosis; latent infection (limited to individuals with a positive Mantoux tuberculin skin test conversion in the last 2 years or any positive Mantoux tuberculin skin test in a child less than 5 years of age); and all forms, including antibiotic susceptibility patterns;~~

3.4.b.21. Tularemia;

3.4.b.22. Typhoid fever (salmonella typhi);

3.4.b.23. Yellow fever; and

~~3.4.b.34. Any unexplained or ill-defined illness, condition, or health occurrence of potential public health significance.~~

3.4.b.24. Other unusual condition or emerging infectious disease of potential public health importance;

~~3.4.c. Reports of Category II.A diseases and conditions are reported on standard reporting cards shall be submitted on reporting cards and supplemental forms as listed in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>) or preferably by filing an electronic report with WVEDSS.~~

~~3.4.d. Category II.B diseases and conditions reportable by laboratories are:~~

~~3.4.d.1. *Borrelia burgdorferi* from culture, or diagnostic levels of IgG or IgM, (preferably followed by a Western blot);~~

3.4.d.1. *Bordatella pertussis*, microbiologic evidence;

3.4.d.2. Brucellosis, microbiologic or serologic evidence;

~~3.4.d.2. *Campylobacter*;~~

~~3.4.d.3. *Cryptosporidium*;~~

- 3.4.d.4. ~~Cyclospora;~~
- 3.4.d.3. *Corynebacterium diphtheriae*, microbiologic or histopathologic evidence;
- 3.4.d.4. *Coxiella burnetii*;
- 3.4.d.5. Dengue Fever, serologic evidence;
- ~~3.4.d.5. Ehrlichiosis, serologic, microbiologic or other evidence;~~
- ~~3.4.d.6. Encephalitis, virologic, serologic, or other evidence of arboviral or other encephalitides;~~
- 3.4.d.7. *Entamoeba histolytica*;
- 3.4.d.6. Enterohemorrhagic *Escherichia coli* (EHEC) including but not limited to *E. coli* O157:H7 and Shiga-like toxin-producing *E. coli* O157:NM, from any clinical specimen;
- 3.4.d.7. *Francisella tularensis*, culture, antigen or serologic evidence;
- ~~3.4.d.8. *Giardia lamblia*, microscopic or immunodiagnostic evidence;~~
- 3.4.d.8. *Haemophilus influenzae* from any normally sterile body site;
- ~~3.4.d.9. Hantavirus infection, serologic, PCR, immunohistochemistry, or other evidence;~~
- 3.4.d.9. Hepatitis A, positive IgM;
- 3.4.d.10. Hepatitis B, positive anti-HBc IgM or HbsAg;
- 3.4.d.11. Hepatitis D, positive serology;
- ~~3.4.d.10. Influenza, culture confirmed, (numerical totals only, by type and subtype as available);~~
- ~~3.4.d.11. Legionella, bacteriologic or serologic evidence;~~
- ~~3.4.d.12. Leptospirosis, virologic or serologic evidence;~~
- ~~3.4.d.13. *Listeria monocytogenes*;~~
- ~~3.4.d.14. Malaria organisms on smear of blood;~~
- ~~3.4.d.15. Meningitis, as indicated by bacterium in spinal fluid;~~
- ~~3.4.d.16. Meningitis, Viral, virologic or serologic evidence;~~
- ~~3.4.d.17. Mumps, virologic or serologic evidence;~~
- 3.4.d.12. *Mycobacterium tuberculosis* from any site (include drug susceptibility patterns);
- 3.4.d.13. *Neisseria meningitidis* from a normally sterile site;
- ~~3.4.d.18. Psittacosis, microbiologic or serologic evidence;~~
- ~~3.4.d.19. Rocky Mountain Spotted Fever, serologic evidence;~~
- ~~3.4.d.20. Salmonella (any species, excluding *Salmonella typhi*);~~
- ~~3.4.d.21. *Shigella* (any species);~~
- ~~3.4.d.22. *Streptococcus pyogenes* (Group A *Streptococcus*) from a normally sterile site;~~
- ~~3.4.d.23. *Streptococcus*, Group B, from a normally sterile site;~~
- ~~3.4.d.24. *Streptococcus pneumoniae*, from a normally sterile site (include antibiotic susceptibility patterns on all isolates);~~
- ~~3.4.d.25. Trichinosis, demonstration of cysts or serologic evidence;~~
- ~~3.4.d.26. Unexplained or ill-defined~~

~~illness, condition, or health occurrence of potential public health significance; and~~

~~3.4.d.27. Any other laboratory evidence suggestive of current infection with any of the diseases or conditions listed in Category H.A.~~

3.4.d.14. Poliomyelitis, virologic or serologic evidence;

3.4.d.15. Rabies, animal or human;

3.4.d.16. Rubella, virologic or serologic evidence;

3.4.d.17. *Salmonella typhi* from any site;

3.4.d.18. *Staphylococcus aureus* with glycopeptide-intermediate (GISA/VISA) or glycopeptide-resistant (GRSA/VRSA) susceptibilities;

3.4.d.19. *Vibrio cholerae*, microbiologic or serologic evidence;

3.4.d.20. Yellow Fever, virologic or serologic evidence;

3.4.d.21. Any other unusual condition or emerging infectious disease of public health importance; and

~~3.4.d.27. 3.4.d.22. Any other laboratory evidence suggestive of current infection with any of the diseases or conditions listed in Category IIA.~~

3.5. Category III Reportable Diseases and Conditions.

3.5.a. Health care providers, health care facilities and laboratories shall report cases of Category III diseases and conditions to the division within one (1) week of diagnosis unless otherwise indicated; the local health department serving the patient's county of residence within seventy-two hours of diagnosis, preferably by filing an electronic record in WVEDSS. The local health department shall report the case to the bureau within seventy-two hours of receiving the

report. When WVEDSS is certified as operational by the commissioner, the local health department shall use WVEDSS to file the report. Reports shall include the patient's name, address, telephone number, date of birth, sex, physician's name, office address, and office phone and fax numbers, and any other information requested by the commissioner relevant to the purposes of this rule.

3.5.b. Category III.A diseases and conditions reportable by health care providers and health care facilities are:

~~3.5.b.1. AIDS diagnosed from the presence of AIDS defining diseases or conditions (including previously reported HIV positive individuals), according to the time frame in, the Bureau for Public Health rule, "AIDS-Related Medical Testing and Confidentiality," 64CSR64.~~

3.5.b.1. Amebiasis;

~~3.5.b.2. Autism Spectrum Disorder; not reported to the Bureau according to the protocol in the West Virginia Reportable Diseases Protocol Manual.~~

~~3.5.b.3. Birth Defects, including Down's Syndrome;~~

3.5.b.2. Campylobacteriosis;

~~3.5.b.4. Cancer, including non-malignant intracranial and central nervous system tumors, in time frame noted in Bureau for Public Health rule, "Cancer Registry," 64CSR68;~~

~~3.5.b.5. Chancroid**;~~

~~3.5.b.6. Chlamydia trachomatis**;~~

3.5.b.3. Cryptosporidiosis;

3.5.b.4. Cyclospora;

3.5.b.5. Giardiasis;

~~3.5.b.7. Gonococcal Disease**= conjunctivitis in the newborn, drug-resistant disease; or pelvic inflammatory disease (within 24~~

hours);

~~3.5.b.8. Gonorrhea (all other)**;~~

~~3.5.b.9. Hemophilia;~~

~~3.5.b.10. Hepatitis C / Other non-A or non-B, acute or chronic;~~

~~3.5.b.11. Herpes, genital**;~~

~~3.5.b.12. HIV (Human Immunodeficiency Virus) according to the time frame in the Bureau for Public Health rule, "AIDS Related Medical Testing and Confidentiality," 64CSR64;~~

~~3.5.b.13. Lead, all blood lead test results;~~

3.5.b.6. Listeria;

~~3.5.b.14. Occupational illnesses;~~

3.5.b.7. Salmonellosis (except Typhoid Fever);

3.5.b.8. Shigellosis;

~~3.5.b.15. Syphilis (late latent, late symptomatic, or neurosyphilis)**;~~

~~3.5.b.16. Syphilis** -- primary, secondary, early latent (less than one (1) year), or congenital (all within 24 hours); and~~

~~3.5.b.17. Traumatic Brain Injury, not reported to the Bureau according to the protocol in the West Virginia Reportable Diseases Protocol Manual;~~

3.5.b.9. Trichinosis; and

3.5.b.10. Yersiniosis.

3.5.c. Reports of Category III.A diseases and conditions marked with two asterisks (**) are made on the sexually transmitted disease report card (VD-91) are reported on reporting cards and supplemental forms as listed in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>). When WVEDSS is certified as operational by the

commissioner, all reporters shall use WVEDSS to file their reports.

3.5.d. Category III.B diseases and conditions reportable by laboratories are:

~~3.5.d.1. CD4+ T-lymphocyte counts of two hundred or less per cubic millimeter (200/mm³) or a percentage less than fourteen (14) percent according to the time frame in the Bureau for Public Health rule, "AIDS Related Medical Testing and Confidentiality," 64CSR64.~~

3.5.d.1. Campylobacter species;;

~~3.5.d.2. Chlamydia trachomatis by culture, antigen, DNA probe methods, or other procedures declared reportable by the commissioner**;~~

3.5.d.2. Cryptosporidium;

3.5.d.3. Cyclospora;

~~3.5.d.3. Down's Syndrome chromosomal anomaly;~~

~~3.5.d.4. Haemophilus ducreyi**;~~

~~3.5.d.5. Hepatitis C / Other non-A or non-B, virologic or serologic evidence;~~

3.5.d.4. Entamoeba histolytica;

3.5.d.5. Giardia lamblia, microscopic or immunodiagnostic evidence;

~~3.5.d.6. Herpes simplex virus**, isolation of herpes simplex virus from cervix, urethra or anogenital lesion, or demonstration of virus by antigen detection technique in clinical specimens from cervix, urethra or anogenital lesion, or demonstration of multinucleated giant cells on a Tzanck smear of scrapings from an anogenital lesion;~~

~~3.5.d.7. HIV (Human Immunodeficiency Virus) Type 1 or 2, confirmed antibody or virus detection test (serology, culture, antigen, PCR, DNA, RNA probe, etc.); according to the time frame in the Bureau for Public Health rule, "AIDS Related Medical Testing and~~

Confidentiality," 64CSR64.

~~3.5.d.8. Lead, all blood lead test results;~~

3.5.d.6. Listeria monocytogenes;

~~3.5.d.9. Mycobacterium tuberculosis from any site (include drug susceptibility patterns) (within 24 hours);~~

~~3.5.d.10. Neisseria gonorrhoeae (drug resistant) from any site** (within 24 hours);~~

~~3.5.d.11. Neisseria gonorrhoeae from female upper genital tract** (within 24 hours);~~

~~3.5.d.12. Neisseria gonorrhoeae from the eye of a newborn** (within 24 hours);~~

~~3.5.d.13. Neisseria gonorrhoeae**, culture or other positive laboratory evidence, (all other);~~

3.5.d.7. Salmonella (any species, excluding Salmonella typhi);

3.5.d.8. Shigella (any species);

~~3.5.d.14. Syphilis**, serologic evidence;~~

~~3.5.d.15. Treponema pallidum, positive dark-field examination** (within 24 hours); and~~

3.5.d.9. Trichinosis, demonstration of cysts or serologic evidence; and

3.5.d.10. Yersinia enterocolitica, microbiologic evidence;

~~3.5.d.16. 3.5.d.11. Any other laboratory evidence suggestive of current infection with any of the diseases or conditions listed in Category III.A.~~

~~3.5.c. Reports of Category III.B diseases and conditions marked with two asterisks (**) are made on the appropriate sexually transmitted disease report forms provided by the division.~~

3.6. Category IV Reportable Diseases and Conditions.

3.6.a. Health care providers, health care facilities and laboratories shall report cases of Category IV diseases or conditions to the local health department serving the patient's county of residence within one week of diagnosis, preferably by filing an electronic report with WVEDSS. The local health department shall report the case to the bureau within one week of report. When WVEDSS is certified as operational by the commissioner, the local health department shall use WVEDSS to file the report. The reports shall include the patient's name, address, telephone number, date of birth, sex, physician's name, office address and office phone and fax, and any other information requested by the commissioner relevant to the purposes of this rule.

3.6.b. Category IV.A diseases reportable by health care providers and health care facilities are:

3.6.b.1. Arboviral infection;

3.6.b.2. Chickenpox (numerical totals only);

3.6.b.3. Erlichiosis;

3.6.b.4. Hantavirus Disease;

3.6.b.5. Influenza-like illness (numerical totals only);

3.6.b.6. Influenza-related death in an individual less than 18 years of age;

3.6.b.7. Legionellosis;

3.6.b.8. Leptospirosis;

3.6.b.9. Lyme Disease;

3.6.b.10. Malaria;

3.6.b.11. Mumps;

3.6.b.12. Psittacosis;

3.6.b.13. Rocky Mountain

Spotted Fever;

3.6.b.14. Streptococcal Disease, invasive Group A, (Streptococcus pyogenes);

3.6.b.15. Streptococcal Disease, invasive Group B;

3.6.b.16. Streptococcal Toxic Shock Syndrome;

3.6.b.17. Streptococcus pneumoniae, invasive disease, (include antibiotic susceptibility patterns);

3.6.b.18. Tetanus;

3.6.b.19. Toxic Shock Syndrome; and

3.6.b.20. Tuberculosis, latent infection (limited to individuals with a positive Mantoux tuberculin skin test conversion in the last two years or any positive Mantoux tuberculin skin test in a child less than five years of age).

3.6.c. Reports of Category IV.A diseases and conditions are reported on reporting cards and supplemental forms as listed in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>). When WVEDSS is certified as operational by the commissioner, all reporters shall use WVEDSS to file their reports.

3.6.d. Category IV.B conditions reportable by laboratories are:

3.6.d.1. Arboviral infection, virologic, serologic, or other evidence;

3.6.d.2. Borrelia burgdorferi from culture, or diagnostic levels of IgG or IgM, (preferably followed by a Western blot);

3.6.d.3. Ehrlichiosis, serologic, microbiologic or other evidence;

3.6.d.4. Enterovirus (non-polio), culture confirmed, (numerical totals only, by serotype as available, and including echovirus, coxsackievirus, and parechovirus), reportable weekly to the bureau;

3.6.d.5. Hantavirus infection, serologic, PCR, immunohistochemistry, or other evidence;

3.6.d.6. Influenza, culture confirmed, (numerical totals only, by type and subtype as available);

3.6.d.7. Legionella, bacteriologic or serologic evidence;

3.6.d.8. Leptospirosis, virologic or serologic evidence;

3.6.d.9. Malaria organisms on smear of blood;

3.6.d.10. Mumps, virologic or serologic evidence;

3.6.d.11. Psittacosis, microbiologic or serologic evidence;

3.6.d.12. Rocky Mountain Spotted Fever, serologic evidence;

3.6.d.13. Streptococcus pyogenes (Group A Streptococcus) from a normally sterile site;

3.6.d.14. Streptococcus, Group B, from a normally sterile site;

3.6.d.15. Streptococcus pneumoniae, from a normally sterile site (include antibiotic susceptibility patterns on all isolates); and

3.6.d.16. Any other laboratory evidence suggestive of current infection with any of the diseases or conditions listed in Category IV.A.

3.7. Category V Reportable Diseases and Conditions.

3.7.a. Health care providers, health care facilities and laboratories shall report Category V diseases and conditions, preferably by WVEDSS to the bureau within one week of diagnosis unless otherwise indicated. Reports shall include the patient's name, address,

telephone number, date of birth, sex, physician's name, office address, and office phone and fax, and any other information requested by the commissioner relevant to the purposes of this rule.

3.7.b. Category V.A diseases and conditions reportable by health care providers and health care facilities are:

3.7.b.1. AIDS diagnosed from the presence of AIDS defining diseases or conditions (including previously reported HIV positive individuals), according to the time frame in the bureau rule, "AIDS Related Medical Testing and Confidentiality", 64CSR64 **.

3.7.b.2. Autism Spectrum Disorder; not reported to the bureau according to the protocol in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>).

3.7.b.3. Birth Defects, including Down's Syndrome;

3.7.b.4. Cancer, including non-malignant intra cranial and central nervous system tumors, in time frame noted in bureau rule, "Cancer Registry," 64CSR68;

3.7.b.5. Chancroid;**

3.7.b.6. Chlamydia;**

3.7.b.7. Gonococcal Disease** -- conjunctivitis in the newborn or drug-resistant disease (within 24 hours);

3.7.b.8. Gonorrhea (all other sites);**

3.7.b.9. Hemophilia;

3.7.b.10. Hepatitis C / Other non-A or non-B, acute or chronic;

3.7.b.11. HIV (Human Immunodeficiency Virus) according to the time frame in the bureau rule, "AIDS Related Medical Testing and Confidentiality", 64CSR64.**

3.7.b.12. Lead, all blood lead test

results;

3.7.b.13. Occupational illnesses;

3.7.b.14. Pelvic inflammatory disease;**

3.7.b.15. Syphilis (late latent, late symptomatic, or neurosyphilis):**

3.7.b.16. Syphilis** -- primary, secondary, early latent (less than one (1) year), or congenital (all within 24 hours); and

3.7.b.17. Traumatic Brain Injury, not reported to the bureau according to the protocol in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>).

3.7.c. Reports of Category V.A. diseases and conditions are submitted on forms as specified in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>).

3.7.d. Category V.B. diseases and conditions reportable by laboratories are:

3.7.d.1. All CD4+ T-lymphocyte or percentages according to the time frame in the bureau rule, "AIDS Related Medical Testing and Confidentiality", 64CSR64.

3.7.d.2. *Chlamydia trachomatis* by culture, antigen, DNA probe methods, or other positive laboratory evidence;*

3.7.d.3. Down's Syndrome chromosomal anomaly;

3.7.d.4. *Haemophilus ducreyi*;**

3.7.d.5. Hepatitis C / Other non-A or non-B, virologic or serologic evidence;

3.7.d.6. HIV (Human Immunodeficiency Virus) Type 1 or 2, confirmed antibody or virus detection test (serology, culture, antigen, PCR, DNA, RNA probe, etc.), according to the time frame in the bureau rule, "AIDS Related Medical Testing and Confidentiality",

64CSR64;**

3.7.d.7. Lead, all blood lead test results;

3.7.d.8. *Mycobacterium tuberculosis* from any site** (include drug susceptibility patterns) (within 24 hours);

3.7.d.9. *Neisseria gonorrhoeae* (drug resistant) from any site** (within 24 hours);

3.7.d.10. *Neisseria gonorrhoeae* from female upper genital tract** (within 24 hours);

3.7.d.11. *Neisseria gonorrhoeae* from the eye of a newborn** (within 24 hours);

3.7.d.12. *Neisseria gonorrhoeae*** , culture or other positive laboratory evidence. (all other);

3.7.d.13. Syphilis** , serologic evidence;

3.7.d.14. *Treponema pallidum*, positive dark-field examination** (within 24 hours); and

3.7.d.15. Any other laboratory evidence suggestive of current infection with any of the diseases or conditions listed in Category V.A.

3.7.e. Reports of Category V diseases and conditions marked with two (2) asterisks (**) shall be made on the appropriate STD/HIV/AIDS and TB report forms provided by the bureau, until such time as these diseases can be reported electronically using the WVEDSS.

§64-7-4. Other Reportable Events: Birth Defects.

4.1. The commissioner shall arrange for the reporting of birth defects as soon as detected by pediatric health care providers or human genetic services providers. Birth defects are also identified from birth certificates and health care facility medical records. After case review,

evaluation and referrals, reports are consolidated in the Maternal and Child Health database. The division bureau shall provide appropriate report forms for this reporting.

§64-7-5. Other Reportable Events: Potentially Rabid Animal Bites, Rabid Animals.

5.1. If a person is bitten, scratched, or otherwise exposed (gets saliva, neural tissue, or other potentially infectious fluid into an open cut, wound, or mucous membrane) to an animal which has or is suspected of having rabies, then the incident, including the person's full name, date of birth, and address, shall be reported to the local health officer within twenty-four hours, by phone, or preferably by WVEDSS, by the following individuals:

5.1.a. The physician or other health care provider caring for or observing the person;

5.1.b. The veterinarian or animal health care provider;

~~5.1.b.~~ 5.1.c. The person bitten, scratched, or otherwise exposed, if no physician or other health care provider is in attendance and the person bitten, scratched or otherwise exposed is an adult;

~~5.1.c.~~ 5.1.d. Whoever is caring for the person, if no physician or other health care provider is in attendance and the person bitten, scratched, or otherwise exposed is incapacitated; or

~~5.1.d.~~ 5.1.e. The parent or guardian, if no physician or other health care provider is in attendance and the person bitten, scratched or otherwise exposed is a child.

5.2. The local health officer shall report within twenty-four hours to the commissioner the name, date of birth, address, circumstances of the exposure, and action taken for every person bitten, scratched, or otherwise exposed to an animal which has or is suspected of having rabies.

5.3. If the animal is a domestic dog, ~~or cat~~ or ferret, the local health officer shall make a reasonable attempt to determine the animal's

owner, and, if successful, shall direct the owner to confine the animal for a period of ten days. The owner of the dog, ~~or cat~~ or ferret, county humane officer, dog warden or sheriff shall notify the local health officer immediately if the animal shows symptoms compatible with rabies or dies, and the local health officer, county humane officer, dog warden or sheriff shall arrange for appropriate examination of the animal's brain at the Office of Laboratory Services.

5.4. If the local health officer cannot determine the owner of the domestic dog, ~~or cat~~ or ferret, he or she shall direct the county humane officer, dog warden or sheriff to pick up the suspect dog, ~~or cat~~ or ferret, that has bitten a person and confine it in isolation for a period of ten days. If the animal shows symptoms compatible with rabies, the local health officer shall direct the county humane officer, dog warden, sheriff, or other designee to humanely destroy the animal and arrange for appropriate examination of the animal's brain. If the animal dies, the local health officer shall arrange for appropriate examination of the animal's brain at the Office of Laboratory Services.

5.5. If a person is reported bitten by any animal having or suspected of having rabies other than a domestic dog, ~~or cat~~ or ferret, the local health officer, if necessary, shall direct the county humane officer, dog warden, sheriff, or other designee to have the animal humanely destroyed immediately and to arrange for appropriate examination of the animal's brain at the Office of Laboratory Services.

5.6. Any person who becomes aware of the existence of an animal apparently afflicted with rabies shall report the existence of the animal, the place where it was last seen, the owner's name, if known, and the symptoms suggesting rabies to the local health officer immediately.

§64-7-6. Other Reportable Events: Administration of Immunizations.

6.1. The commissioner shall establish and maintain a centralized registry for tracking compliance with nationally recommended immunization schedules and for monitoring vaccine use.

6.2. Health care providers, health care facilities, local health officers, and any other provider or facility administering immunizations shall report immunizations administered to the centralized immunization registry as required by this rule. Administration of immunization against the following diseases are reportable: diphtheria, whooping cough, tetanus, polio, measles, mumps, rubella, hepatitis-B, Haemophilus influenzae type b disease, chicken pox, and any additional immunizations required by the commissioner for public health purposes as published by order filed with the secretary of state.

6.3. All immunizations administered to ~~children of ages six (6) persons eighteen years of age~~ and under shall be reported to the immunization registry within two weeks of the administration of the immunization. Immunizations of adults may also be reported and such reports are encouraged to maintain an accurate and useful database of all immunization information.

6.4. Immunization reports shall contain the name of the ~~child~~ person receiving the immunization, his or her address, date of birth, mother's maiden name, information on the immunization administered, and any other information required by the commissioner for development, maintenance, and use of the immunization registry and vaccine tracking system.

6.5. Immunization data that must be reported to the department is confidential, except it may be shared with other health care providers, or other entities with a legally defined access to the data, who are enrolled in the system, without the specific consent of the parent or patient. The data shall only be used for the ongoing care of the patient to assess immunization status, to determine immunization coverage rates, to assist in outbreak investigations or for other purposes determined by the commissioner.

6.6 Local health officers and other health care providers identified by the state health officer as smallpox vaccination clinics and charged with the responsibility of providing and administering smallpox vaccinations shall report smallpox vaccine administrations to the state health officer

through the first responder immunization tracking system within twenty-four hours of the administration of the vaccine.

6.7 In the event of an influenza or other pandemic or a bioterrorist event or intentional exposure to an infectious agent, local health departments or other providers charged with administering prophylactic medication or vaccinations shall report administration to the commissioner via an electronic database within 24 hours of the administration of the prophylactic medication or vaccination.

§64-7-7. Other Reportable Events: Disease Outbreaks.

7.1. When a facility, health care provider or laboratory becomes aware of an outbreak, they shall report the outbreak to the local health officer immediately.

7.2. When the local health officer becomes aware of an outbreak in his or her jurisdiction, he or she shall notify the bureau immediately.

7.3. As appropriate, the local health officer shall collaborate in investigation of the outbreak with:

7.3.a. Other local health officers if cases from other local health jurisdictions are identified;

7.3.b. Public health officials from other states if cases from those states are identified;

7.3.c. The department; and

7.3.d. Federal public health officials.

7.4. An appropriate investigation generally includes:

7.4.a. Establishment of the existence of the outbreak;

7.4.b. Confirmation of the diagnosis, including obtaining appropriate laboratory examinations of cases;

7.4.c. Formulation of an appropriate case definition;

7.4.d. Notification of laboratories and providers in the jurisdiction to identify and report additional cases;

7.4.e. Systematic collection of demographic and epidemiological information on the cases;

7.4.f. Formulation and implementation of control measures to stem the spread of the outbreak;

7.4.g. Formulation and implementation of special studies to determine the source of the outbreak; and

7.4.h. Summarization of the findings of the outbreak investigation in written form.

7.5. In the process of outbreak investigation, the commissioner, in collaboration with the local health officer, may perform epidemiological studies, including case-control, cross-sectional and cohort studies which involve interviews and evaluations of ill persons and well persons. Interviews and evaluations of ill and well persons are confidential and not discoverable under state freedom of information act, WV Code §29B-1-1, et seq. Information may only be released in aggregate for the purpose of informing the public of the conclusions of the investigation.

7.6. In the process of outbreak investigation, the commissioner, in collaboration with the local health officer, may request laboratory studies on ill persons and/or well persons. Laboratory results obtained on ill and well persons are confidential and not discoverable under state freedom of information act, WV Code 29B-1-1 et seq. Information may only be released in aggregate for the purposes of informing the public of the conclusions of the investigation.

§64-7-8. Other Reportable Events: Surveillance program evaluation and special studies.

8.1. As necessary, the commissioner may conduct special studies to evaluate completeness, timeliness and accuracy of the surveillance and epidemiological information reported under this rule. In the process of conducting program

evaluation, the commissioner may request any of the following information from providers, facilities, laboratories, or other individuals named in this rule:

8.1.a. Computerized or paper reports of cases diagnosed during a limited timeframe, usually during a one year interval, but not more than five years;

8.1.b. Specified laboratory results collected over a limited timeframe, usually during a one year interval, but not more than five years;

8.1.c. Access to records to perform audits for completeness, accuracy and timeliness of reporting, or

8.1.d. Other information required to verify completeness and accuracy of reporting.

8.2. In addition, the commissioner may conduct special studies on the health of the population for the purposes of quantifying the risk to the population or access to appropriate prevention and control services or validating information collected through surveillance data. Studies may include cross-sectional studies, case-control studies, cohort studies or other similar study designs where ill and well persons are evaluated or interviewed or information is collected on these individuals. All information collected in these studies, whether on ill or well persons is confidential and not discoverable under state freedom of information act, WV Code 29B-1-1, et seq. Information may be released in aggregate for the purposes of informing the public about the health risk or the quality of the surveillance system.

§64-7-9. Other Reportable Events: Bioterrorism response.

9.1. All health care providers, facilities, animal health care providers, laboratories and law enforcement personnel are required to report suspected or confirmed disease due to a bioterrorism agent immediately by telephone, or preferably by WVEDSS to the local health department in the jurisdiction where the bioterrorist event is identified.

9.2. Suspect disease due to bioterrorism agents may be identified by the following epidemiological findings:

9.2.a. Unusual temporal or geographic clustering of illness, such as persons who attended the same public event or gathering, or patients presenting with clinical signs and symptoms that suggest an infectious disease outbreak, such as more than two persons presenting with an unexplained febrile illness associated with sepsis, pneumonia, respiratory failure, rash or a botulism-like syndrome with flaccid paralysis, especially if occurring in otherwise healthy persons;

9.2.b. An unusual age distribution for common diseases, such as an increase in what appears to be a chickenpox like illness among adult patients, but which might be smallpox;

9.2.c. A large number of cases of acute flaccid paralysis with prominent bulbar palsies, suggestive of a release of botulinum toxin;

9.2.d. A laboratory finding characteristic of one of the known bioterrorism agents;

9.2.e. An unusually high number of laboratory samples, particularly from the same biologic medium, such as blood or stool cultures;

9.2.f. Unusual requests for testing or culturing; or

9.2.g. Other unusual medical, laboratory or epidemiological findings not consistent with known patterns of transmission of naturally-occurring infectious agents.

9.3. Bioterrorism agents may include, but are not limited to:

9.3.a. Anthrax (Bacillus anthracis);

9.3.b. Botulism (Clostridium botulinum toxin);

9.3.c. Plague (Yersinia pestis);

9.3.d. Smallpox (variola major);

9.3.e. Tularemia (Francisella tularensis);

9.3.f. Viral hemorrhagic fevers (filoviruses [e.g., Ebola, Marburg] and arenaviruses [e.g., Lassa, Machupo]);

9.3.g. Brucellosis (Brucella species);

9.3.h. Epsilon toxin of Clostridium perfringens;

9.3.i. Food safety threats (e.g., Salmonella species, Escherichia coli O157:H7, Shigella);

9.3.j. Glanders (Burkholderia mallei);

9.3.k. Melioidosis (Burkholderia pseudomallei);

9.3.l. Psittacosis (Chlamydia psittaci);

9.3.m. Q fever (Coxiella burnetii);

9.3.n. Ricin toxin from Ricinus communis (castor beans);

9.3.o. Staphylococcal enterotoxin B;

9.3.p. Typhus fever (Rickettsia prowazekii);

9.3.q. Viral encephalitis (alphaviruses [e.g., Venezuelan equine encephalitis, eastern equine encephalitis, western equine encephalitis]); and

9.3.r. Water safety threats, such as Vibrio cholerae, Cryptosporidium parvum.

9.4. In the event of a suspected or confirmed bioterrorist event, the commissioner may designate a disease or condition as immediately reportable by direct notification of local health departments and/or providers by any rapid means available. In that situation, the commissioner may request reporting of cases by phone or by filing an electronic report with WVEDSS.

9.5. The local health officer, on notification of a suspected or confirmed bioterrorist event shall immediately notify the bureau by phone 1-800-423-1271 or (304) 558-5358. When WVEDSS is certified as operational by the commissioner, reports shall also be filed with WVEDSS.

9.6. As appropriate, the local health officer shall collaborate in an investigation of the bioterrorist event with:

9.6.a. Other local health officers if cases from other local health jurisdictions are identified;

9.6.b. Public health officials from other states if cases from those states are identified;

9.6.c. The department;

9.6.d. Federal public health officials; and

9.6.e. Law enforcement personnel.

9.7. The local health officer shall collaborate in an epidemiological investigation of the bioterrorist event, usually to include a complete outbreak investigation as described in section seven (7) of this rule.

§64-7-7 §64-7-10. Deaths from Reportable Diseases and Conditions; Reportable Diseases and Conditions Diagnosed After Death.

~~7-10.1.~~ 10.1. Upon receipt of any death certificate showing a reportable disease or condition, ~~except a Category III disease or condition;~~ the State registrar of vital statistics shall send a copy of the death certificate ~~to WVEDSS, to the local health officer for the county in which the death occurred and to the county in which the decedent resided.~~ to WVEDSS. ~~The State registrar shall report Category III all deaths due to diseases listed in this rule to the division bureau.~~

~~7-10.2.~~ 10.2. If a pathologist, coroner, medical examiner, physician, other health care provider, or other individual investigating the cause of death determines from the examination of a corpse or from a history of the events leading to death, that at the time of death, the decedent had a disease or condition required to be reported by this rule, he or she shall report the case promptly as required by this rule as if the diagnosis had been established prior to death.

§64-7-8 §64-7-11. Persons, Facilities, and Laboratories Required to Report; Other Related Responsibilities.

~~8.1. 11.1 Health Care Providers;~~

~~8.1.a. 11.1.a.~~ Any health care provider or health care facility who suspects, diagnoses, or cares for a patient with a disease or condition listed in ~~Subdivisions 3.3.b., 3.4.b., 3.5.b., or elsewhere~~ in this rule shall:

~~8.1.a.1. 11.1.a.1.~~ Report the disease or condition as required by this rule;

~~8.1.a.2. 11.1.a.2.~~ Assist public health officials in appropriate case and outbreak investigation and management and in any necessary contact investigation and management;

~~8.1.a.3. 11.1.a.3.~~ Make every effort to submit the specimens identified in protocols specified by the commissioner to establish an accurate diagnosis of the disease or condition to a laboratory approved by the commissioner;

~~8.1.a.4. 11.1.a.4.~~ If the disease or condition is communicable, advise, in consultation with State and local public health officials, the patient, and as necessary, members of the patient's household and other patient contacts regarding the precautions to be taken to prevent further spread of the disease. In cases of sexually transmitted diseases, HIV, and tuberculosis, the ~~division~~ bureau recommends that health care providers and health care facilities refer contact notification activities to the ~~division for STD and HIV~~ STD/HIV/AIDS program and local health departments for tuberculosis rather than attempt to accomplish the notification themselves;

~~8.1.a.5. 11.1.a.5.~~ Follow a method of control specified by the commissioner in established protocols in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>), or by methods developed in consultation with the commissioner; ~~and~~

~~8.1.a.6. 11.1.a.6.~~ Assist the local health officer by promoting implementation of the control method for the disease or condition specified in the protocol with the patient, and, as applicable, members of the patient's household, facility staff, and other involved individuals; ~~and~~

11.1.a.7. Assist the commissioner or local health officer in ruling out reported suspect cases of infectious diseases by submitting copies of negative laboratory tests or medical evaluations.

~~8.2. 11.2. Laboratories.~~

~~8.2.a. 11.2.a.~~ All laboratories, whether public, private or hospital-based, shall report evidence of current infection with the diseases or conditions listed in ~~Subdivisions 3.3.d., 3.4.d., and 3.5.d.~~ of this rule and shall otherwise comply with the requirements of this rule.

~~8.2.b. 11.2.b.~~ A laboratory which receives a specimen yielding Mycobacterium tuberculosis shall submit the first isolate to the office of laboratory services, bureau for public health. Additionally, any isolate of M. tuberculosis from a patient collected ninety or more days after the initial specimen shall also be forwarded to the office of laboratory services. The laboratory shall perform or arrange for drug susceptibility testing on the initial isolate from each patient from whom M. tuberculosis was isolated and report the results of that drug susceptibility testing to the local health department in the county where the patient resides, within one working day from the time the person or agency who submitted the specimen is notified. If any subsequent culture of M. tuberculosis is found to have developed new patterns of resistance, an additional culture or subculture of the resistant isolate shall be submitted to the Office of Laboratory Services. Clinical laboratories that identify acid fast bacillus (AFB) on a smear from a patient shall culture and identify the AFB, or refer these to another laboratory for those purposes.

~~8.2.b.1. 11.2.b.1.~~ Clinical laboratories that isolate Bacillus anthracis, Clostridium botulinum, Community-acquired Staphylococcus aureus, Corynebacterium diphtheriae, Tularemia, Salmonella, Shigella, Campylobacter, Listeria monocytogenes, or suspect or confirmed E. coli O157:H7 or Yersinia pestis from any patient specimen or Neisseria meningitidis, Streptococcus pneumoniae, or Haemophilus influenzae from a sterile site should submit the first isolate or a subculture of that isolate to the Office of Laboratory Services. In addition, the

commissioner may request routine submission of other bacterial isolates by inclusion in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>) and by written notification of laboratories of the specific requirement. During outbreak or other special investigations, the commissioner may request submission of isolates from persons with disease during a timeframe specified by the commissioner.

~~8.2.b.2.~~ 11.2.b.2. Information that shall be included in any of the specimens listed in this section includes:

~~8.2.b.2.A.~~ 11.2.b.2.A. The name, address, and date of birth of the patient;

~~8.2.b.2.B.~~ 11.2.b.2.B. The specimen accession number or other unique identifier;

~~8.2.b.2.C.~~ 11.2.b.2.C. The date the specimen was obtained from the patient;

~~8.2.b.2.D.~~ 11.2.b.2.D. The source of the specimen;

~~8.2.b.2.E.~~ 11.2.b.2.E. The type of test performed;

~~8.2.b.2.F.~~ 11.2.b.2.F. The name, address, and telephone and fax number of the submitting laboratory; and

~~8.2.b.2.G.~~ 11.2.b.2.G. The name, office address, and office telephone and fax number of the physician or health care provider for whom the examination or test was performed.

11.2.b.3. Clinical laboratories that identify virological, serological, electron microscopic or molecular evidence of acute infection with LaCrosse, West Nile, Eastern Equine or St Louis encephalitis; orthopox virus (including smallpox and monkeypox); poliomyelitis; rabies; rubella; rubeola; or SARS coronavirus shall submit an acute specimen to the Office of Laboratory Services for confirmation. In addition, the commissioner may request routine submission of laboratory specimens for confirmation of other diseases by documentation

of the request in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>) and by written notification of laboratory directors. During outbreak or other special investigations, the commissioner may request submission of isolates from persons with disease during a timeframe specified by the commissioner.

11.2.b.4. In addition, the laboratory shall assist the commissioner or local health officer in ruling out reported suspect cases of infectious diseases by submitting copies of negative laboratory tests for the condition under evaluation.

~~8.3.~~ 11.3. Administrators of schools, camps, vessels, and department-operated health care facilities.

~~8.3.a.~~ 11.3.a. When no physician or other responsible health care provider is in attendance, the administrator of any school, camp, vessel or department-operated health care facility shall:

~~8.3.a.1.~~ 11.3.a.1. Report any reportable disease or condition occurring in the school, camp, vessel or department-operated health care facility as required by this rule;

~~8.3.a.2.~~ 11.3.a.2. Assist public health officials in appropriate case and outbreak investigation or management and in any necessary contact investigation and management;

~~8.3.a.3.~~ 11.3.a.3. Follow a method of control specified by the commissioner in established protocols in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>) or by recommendations developed in consultation with the commissioner;

~~8.3.a.4.~~ 11.3.a.4. If the disease or condition is communicable, advise, in consultation with state and local public health officials, the patient, and as necessary, members of the patient's household and other patient contacts regarding the precautions to be taken to prevent further spread of the disease. In cases of sexually transmitted diseases, HIV, and tuberculosis the ~~division~~ bureau recommends that

health care providers and health care facilities refer contact notification activities to the ~~division for STD and HIV~~ STD/HIV/AIDS program and local health departments for tuberculosis rather than attempt to accomplish the notification themselves; and

~~8.3.a.5.~~ 11.3.a.5. Assist the local health officer by promoting implementation of the control method for the disease or condition specified in the protocol with the patient, and, as applicable, members of the patient's household, facility staff, and other involved individuals.

~~§64-7-9~~ §64-7-12. **Distribution of Rule.**

~~9.1:~~ The ~~division~~ bureau and health care professional licensing boards and agencies may distribute this rule to licensed health care professionals who have a duty under this rule. Local health departments may copy and distribute this rule to local health care providers at no cost. The rule is also available online from the Secretary of State's office at www.wvsos.com.

~~§64-7-10~~ §64-7-13. **Responsibilities of Local Health Officers.**

~~10.1:~~ 13.1. Local health officers shall comply with the requirements of this rule.

~~10.2:~~ 13.2. Local health officers shall maintain a record of the information they collect and the reports they make pursuant to this rule according to the record retention schedule for the local health department. They shall give the information and reports to their successor.

~~10.3:~~ 13.3. Upon receipt of a reportable disease or condition report, a local health officer shall:

~~10.3.a.~~ 13.3.a. As circumstances require, investigate the source of the disease or condition, identify contacts, look for undetected and unreported cases, and implement the prevention and control methods specified by the protocols in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>), or developed in consultation with the commissioner;

~~10.3.b.~~ 13.3.b. Act in accordance with the protocols established by the commissioner in the West Virginia Reportable Diseases Protocol Manual (available online at <http://www.wvdhhr.org/idep>), or recommendations developed in consultation with the commissioner;

~~10.3.c.~~ 13.3.c. Determine if required specimens have been collected and submitted; and if not, arrange for collection and submission of necessary specimens to investigate the case, determine the source of the infection, and identify infection of contacts, as necessary. Local health officers shall submit specimens to the bureau laboratory or other laboratory approved by the commissioner;

~~10.3.d.~~ 13.3.d. Give the patient, those persons caring for the patient, household members, and other contacts instructions and advice necessary to prevent the spread of the disease or condition; and

~~10.3.e.~~ 13.3.e. Report any disease or condition listed in ~~Subsections 3.3, 3.4, 3.5, or elsewhere~~ in this rule to the ~~division~~ bureau within the time frame specified in each category.

~~10.4:~~ 13.4. If the report received is a death certificate listing a reportable disease or condition, the local health officer shall ascertain whether the disease or condition was reported according to the requirements of this rule prior to the individual's death. As with any other report, the local health officer shall investigate the source of the disease or condition, identify contacts, and look for undetected and unreported cases and implement prevention and control measures as circumstances require.

~~10.5:~~ 13.5. Whenever a local health officer knows of or suspects the existence of any reportable disease or condition, and either no health care provider is in attendance, or the health care provider has failed or refused to comply with this rule, the local health officer shall investigate the alleged reportable disease or condition. If the investigation establishes the existence of a reportable disease or condition, the local health officer shall further investigate, manage, and report the disease or condition as required by this

rule.

~~10.6.~~ 13.6. If the local health officer determines that a health care provider, health care facility, laboratory, or other individual named in this rule as responsible for reporting failed to report a reportable disease or condition, the local health officer shall notify the responsible individual or facility and shall request an explanation for the failure to report the disease as required by this rule.

~~10.7.~~ 13.7. The local health officer shall report to the commissioner the name and address of the health care provider, health care facility, laboratory, or other responsible individual named in this rule and his or her reason for failure to comply with the requirements of this rule.

~~§64-7-11.~~ **§64-7-14. Management of Undiagnosed Diseases or Conditions Suggesting a Reportable Disease or Condition.**

~~11.1.~~ When presenting symptoms of an undiagnosed disease or condition suggest a reportable disease or condition, the local health officer may initiate and enforce control methods appropriate for the reportable suggested disease or condition until a definitive diagnosis is established. If the disease diagnosed does not require the control measures initiated, then these measures shall be terminated at once.

~~§64-7-12.~~ **§64-7-15. Disputed Diagnoses of Reportable Diseases or Conditions.**

~~12.1.~~ When doubt exists as to the diagnosis of a submitted reportable disease or condition, the local health officer may enforce the protocol and methods of control established by the commissioner for the suspected disease or condition and shall simultaneously notify the commissioner of the case. If the commissioner judges it necessary, he or she shall consult or assist with any investigation needed to make a final decision.

~~§64-7-13.~~ **§64-7-16. Designation of Diseases as Sexually Transmittable.**

~~13.1.~~ As allowed under WV Code §16-4-1 and for the purposes of treatment under WV Code

§16-4-10, the following diseases are designated as potentially sexually transmittable: chlamydia ~~trachomatis~~, gonorrhea, herpes simplex virus type 2, syphilis (all stages), chancroid, lymphogranuloma venereum, human immunodeficiency virus, hepatitis B virus, and any other diseases the commissioner determines sexually transmittable, by order filed with the Secretary of State. The commissioner may, by order filed with the Secretary of State, also remove the designation of diseases he or she has, by order, previously designated.

~~§64-7-14.~~ **§64-7-17. Confidentiality.**

~~14.1.~~ 17.1. Any epidemiologic information collected and maintained pursuant to this rule by local health officers or the commissioner which identifies an individual or facility as having or suspected for having a reportable disease or condition, or as having been identified in an epidemiologic investigation is confidential and exempt from disclosure as provided in WV Code §29B-1-1 et seq., the Freedom of Information Act.

~~14.2.~~ 17.2. In the case of an individual, the commissioner or a local health officer may release confidential information identified in Subsection ~~14.1.~~ 17.1. of this rule to the following:

~~14.2.a.~~ 17.2.a. The patient;

~~14.2.b.~~ 17.2.b. The patient's legal representative whose authority encompasses the authority to access the patient's confidential information;

~~14.2.c.~~ 17.2.c. Individuals who maintain and operate the data and medical record systems used for the purposes of this rule, if the systems are protected from access by persons not otherwise authorized to receive the information;

~~14.2.d.~~ 17.2.d. The patient's physician or other medical care provider when the request is for information concerning the patient's medical records and is, in the determination of the commissioner or the local health officer, to be used solely for the purpose of medical evaluation or treatment of the patient;

~~14.2.e.~~ 17.2.e. Any individual with the

written consent of the patient and of all other individuals identified, if applicable, in the information requested;

~~14.2.f.~~ 17.2.f. Staff of a federal, State, or local health department or other local agency with the responsibility for the control and treatment of disease, to the extent necessary for the agency to enforce specific relevant provisions of federal, State and local law, rules and regulations concerning the control and treatment of disease;

~~14.2.g.~~ 17.2.g. Medical personnel caring for a potentially exposed individual to the extent necessary to protect the health or life of the exposed individual;

~~14.2.h.~~ 17.2.h. The manager of a licensed facility employing the case or suspected case if determined absolutely necessary by the commissioner for protection of the public's health under the following provisions:

~~14.2.h.1.~~ 17.2.h.1. Disclosed information is limited to the name of the individual, the name of the disease, laboratory test results associated with the reportable disease and steps the manager shall take to assure protection of the health of the public; and

~~14.2.h.2.~~ 17.2.h.2. The personal identity of the employee shall be kept confidential by the manager of the licensed facility to whom a disclosure was made; and

~~14.2.i.~~ 17.2.i. The persons to whom reports are required to be filed under WV Code §49-6A-1 et seq. regarding children suspected to be abused or neglected, subject to the confidentiality protections of WV Code §§16-4-10, 16-29-1, 16-3C-3, or any other applicable confidentiality code section.

~~14.3.~~ 17.3. In the case of a licensed facility, the commissioner or a local health officer may release confidential information to the public when there is a clear and convincing need to protect the public's health as determined necessary by the commissioner.

~~§64-7-15.~~ §64-7-18. Isolation, Quarantine and Placarding.

~~15.1.~~ 18.1. The authority to implement and terminate quarantine or placarding to prevent spread of a communicable disease or to protect the public from other health hazards rests with the commissioner. This authority extends to local health officers when they are following protocols established by the commissioner for management of reportable diseases and conditions, or established following consultation with the commissioner for these or other health risks.

~~15.2.~~ 18.2. When an individual or a group of individuals is suffering from a communicable disease for which isolation is required for the control of the disease, the local health officer may initiate and terminate the necessary isolation, unless the person is in a hospital, nursing home, or other institution. In these cases, the attending physician or other responsible health care provider within the institution shall assume responsibility for isolation and its termination.

~~15.3.~~ 18.3. No person shall interfere with or obstruct any local health officer in the posting of any placard used to prevent transmission of a communicable disease or exposure to another health hazard. In addition, no person shall conceal, mutilate or remove any placard, except by permission of the local health officer.

~~15.4.~~ 18.4. In the event a placard is concealed, mutilated or torn down, the occupant or, if there is no occupant, the owner of the premises where the placard was posted shall notify the local health officer of the fact immediately upon discovery.

~~§64-7-16.~~ §64-7-19. Exclusion from School Due to a Communicable Disease; Readmission.

~~16.1.~~ 19.1. When a pupil or school personnel member suffers from a communicable disease potentially placing other students or school personnel at risk of disease, the individual may be excluded from school by the local health officer, the individual's physician, or the school administrator acting in accordance with ~~jointly developed~~ the Department of Education rule, "Communicable Disease Control Policy", 126 CSR 51, and Department rules and communicable disease policies.

~~16.2.~~ 19.2 When a pupil or school personnel

member has been excluded from school due to a communicable disease, the individual may return upon presentation of a certificate of health to school officials from a physician, local health officer or his or her authorized representative stating that the individual is no longer liable to transmit the disease to others. The return is subject to compliance with ~~jointly developed the Department and~~ Department of Education rule, "Communicable Disease Control Policy", 126 CSR 51 ~~rules and policies governing those cases.~~

~~§64-7-17:~~ §64-7-20. Examination and Training of Food Service Workers.

~~17.1:~~ 20.1. Food service management training or workers' training may be provided by the local health departments at the discretion of the local health officer.

~~17.2:~~ 20.2. Food service management training courses shall satisfy the local health officer that the training of management personnel will result in suitable training for the other food service workers within that particular food service establishment.

~~17.3:~~ 20.3. For the protection of the public, the local health officer may advise a medical examination of a food service worker by a physician approved by the local health officer. In addition, the local health officer may exclude the individual from specific work activities until the exam is completed and the individual no longer presents a threat to public health.

~~17.4:~~ 20.4. The local health officer may require any laboratory examinations necessary to detect any condition in the food service worker or in the food service facility in which the worker is working, whether or not for compensation, which might constitute a hazard to the public's health.

~~§64-7-18:~~ §64-7-21. Penalties.

~~18.1:~~ 21.1. Any person ~~listed in Subsection 1.6. of this rule~~ who is subject to the provisions of this rule who fails to report a disease or condition as required by this rule or otherwise fails to act in accordance with this rule is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars

(§500), as provided under WV Code §16-1-18. Each violation is considered a separate offense.

~~18.2:~~ 21.2. Any local health officer who fails or neglects to appropriately investigate cases or suspected cases of reportable diseases or other public health threats reported to him or her by any physician or other person, within a reasonable period of time after the receipt of the report, is guilty of neglect of duty and may, at the discretion of the commissioner, be removed from office in accordance with WV Code §§16-2-4 or 16-2A-8.

~~18.3:~~ 21.3. A local health officer who fails to make the immediate or weekly reports required by this rule in the manner specified by the commissioner is guilty of neglect of duty and may at the discretion of the commissioner, be removed from his or her office according to the provisions of ~~W. Va. Code §§16-2-4 or 16-2A-8:~~ WV Code §16-2-12.

~~§64-7-19:~~ §64-7-22. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the bureau ~~for Public Health~~ procedural rule, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1.

64CSR7

Reportable Disease Rule

Overview

This legislative rule has been in effect for many years. It is an important part of the state's disease surveillance and control programs. It has historically been a part of public health monitoring and rapid response to disease outbreaks. With the amendments included in this filing it is also an important tool in the area of threat preparedness and emergency disease response. Many of the amendments relate to the growing risk of bioterrorism, chemical terrorism, zoonotic and other serious disease outbreaks or conditions. This rule establishes a deliberate, scientifically sound protocol to identify, report and treat these serious public health threats.

Q. WHO MUST REPORT?

There are basically two types of reporters.

The first type of reporters is health care providers* and facilities. This includes all doctor's offices, clinics, hospitals, local health departments, or any other agency or institution that administers health care services throughout the state. (see, § 1.5. "Applicability" for a complete list)

The second type of reporter is Laboratories. All labs, whether independent or within a hospital or other health care facility must report when they receive a specimen of any of the reportable diseases.

*NOTE: This revision adds veterinarians and other animal health care providers to the list of those who must report. This is important as it allows for early detection of animal borne diseases.

Q. WHAT MUST BE REPORTED?

The rule continues and expands a 5 categories of diseases, events and conditions that must be reported. The existing rule contains 3 categories and this rule adds 2 new categories. Within each category of diseases the reporters are listed separately. Subgroup "A" requires reporting by health care providers, and subgroup "B" requires reporting by laboratories. The categories go generally from the most contagious or dangerous to the least virulent.

Category I requires reports to be filed immediately by phone. This category includes anthrax, smallpox, monkeypox and SARS. It also includes botulism, food borne and waterborne diseases.

Category II requires that reports be file by phone within 24 hours. Some examples of diseases or events in this category include animal bites, Cholera, Diphtheria, Hepatitis A, B & D, and rabies.

Category III diseases and conditions must be reported within 72 hours. Some category III examples are Amebiasis, Cyclospora and Salmonellosis.

Category IV diseases to be reported include, arboviral infection, chickenpox, hantavirus, legionellosis, lyme disease, mumps and tetanus. These diseases must be reported within one week of diagnosis.

Category V diseases are also reportable within one week of diagnosis or sooner if indicated in the list of diseases. Category V contains many of the venereal diseases and other diseases of a sensitive nature such as hemophilia, Down's syndrome, Autism and HIV or AIDS.

Q. WHO RECEIVES THE REPORTS? AND HOW ARE THESE DISEASE, EVENTS OR CONDITIONS REPORTED?

All reports are made initially to the local health department in the county where the patient resides. All reports received by the local health departments must be forwarded to the Bureau on the appropriate time frame in the rule.

WVEDSS – West Virginia Electronic Disease Surveillance System. All reports of disease in the rule will be filed electronically using the technology of WVEDSS. At this writing WVEDSS is not fully operational. The rule makes reference to WVEDSS as the preferred method of reporting once the system is available. In the meantime, Categories I and II require that the reporting entity call the local health department serving the patient's county of residence and also call the Bureau at the toll free number for disease reporting. Category III also requires that the report be given to the local health department and to the Bureau. Categories IV and V, due to the fact that they allow up to one week for reporting, may be completed by phone, by fax, or electronically.

Importantly, the rule contains three brand new sections, 7, 8 & 9, that deal with "Disease Outbreaks", "Surveillance program evaluation and special studies" and "Bioterrorism response".

These new sections set forth the protocol for these unusual events and define the parameters by which they will be recognized.