

1 10A NCAC 41A .0107 is adopted with changes as published in 35:23 NCR 2519–2521 as follows:

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3 **10A NCAC 41A .0107 REPORTING OF COVID-19 DIAGNOSTIC TEST RESULTS**

4 (a) For purposes of this Rule, the following definitions shall apply:

- 5 (1) “COVID-19 diagnostic test” means any nucleic acid or antigen test that identifies SARS-CoV-2, the
6 virus that causes COVID-19.
- 7 (2) “Electronic laboratory reporting” means the automated messaging of laboratory reports sent to the
8 Division of Public Health using a machine-readable electronic communication protocol.
- 9 (3) “Healthcare provider” means a healthcare provider as defined in G.S. ~~130A-476(g).~~130A-
10 476(g)(1).
- 11 (4) “Laboratory” means a facility that performs testing on specimens obtained from humans for the
12 purpose of providing information for health assessment and for the diagnosis, prevention, or
13 treatment of disease and is certified by the United States Department of Health and Human Services
14 under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) at P.L. 100-578 and
15 implementing ~~regulations.~~regulations at 42 C.F.R. 493, which are hereby incorporated by
16 reference, including any subsequent amendments or editions, and available free of charge at
17 <https://www.congress.gov/public-laws/> and <http://ecfr.gov/>, respectively. This definition includes a
18 healthcare provider who performs testing in an on-site facility that meets these requirements.

19 (b) Each person in charge of a laboratory providing diagnostic service in this State shall report the results of all
20 COVID-19 diagnostic tests to the Division of Public Health using electronic laboratory reporting. For purposes of
21 COVID-19, a novel coronavirus under Rule .0101(c)(1) of this Section, the required method of reporting set out in
22 Rules .0101(c) and .0102(d)(3) of this Section shall not apply. The report shall include all of the elements required to
23 be reported under the United States Department of Health and Human Services, laboratory data reporting guidance,
24 which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of
25 charge at <https://www.hhs.gov/sites/default/files/covid-19-laboratory-data-reporting-guidance.pdf>.

26 (c) The requirements set forth in Paragraph (b) of this Rule shall be considered met if a laboratory:

- 27 (1) submits a COVID-19 Laboratory Data Automation Registration form to the Division of Public
28 Health and acts to onboard to electronic laboratory reporting. This form shall be submitted within
29 seven calendar days of the date the laboratory starts performing COVID-19 diagnostic testing and
30 shall contain the following elements:
- 31 (A) the name, address, phone number, and CLIA number of the laboratory;
- 32 (B) the name, address, and phone number of the person in charge of the laboratory or that
33 person’s designee;
- 34 (C) the type of test performed, testing capacity, and whether the laboratory will use a third-
35 party laboratory to perform part or all of the testing; and
- 36 (D) if the laboratory will use a third-party laboratory to perform part or all of the testing, the
37 information in Parts (A)-(B) of this Subparagraph for the third-party laboratory; and

- 1 (2) until onboarding to electronic laboratory reporting is complete:
- 2 (A) reports the results of positive COVID-19 diagnostic tests to the Division of Public Health,
- 3 including all elements required in Paragraph (b) of this Rule, by [telefax; telefacsimile; and
- 4 (B) reports the aggregate number of positive and negative nucleic acid COVID-19 diagnostic
- 5 tests and the aggregate number of positive and negative antigen COVID-19 diagnostic tests
- 6 per day to the Division of Public Health through an online survey available at:
- 7 [\[https://files.nc.gov/covid/documents/eCATR_Reference_Guide.pdf\]](https://files.nc.gov/covid/documents/eCATR_Reference_Guide.pdf)
- 8 [https://covid19.ncdhhs.gov/media/2889/open.](https://covid19.ncdhhs.gov/media/2889/open)

9 (d) The requirements set forth in Paragraph (b) of this Rule shall be considered met if a laboratory that completes

10 fewer than 50 total COVID-19 diagnostic tests per week submits results as set out in Subparagraph (c)(2) of this Rule.

11 (e) Healthcare providers who order COVID-19 diagnostic testing in this State shall:

- 12 (1) report the results of positive COVID-19 diagnostic tests by [telefax; telefacsimile] to the local health
- 13 director in the county or district where the patient resides. The report shall contain:
- 14 (A) patient first and last name, date of birth, address, county of residence, phone number, sex,
- 15 race, and ethnicity;
- 16 (B) provider name, address, phone number, and NPI;
- 17 (C) the specimen collection date, the test order date, and the test result date;
- 18 (D) the test result; and
- 19 (E) all other available elements required in Paragraph (b) of this Rule; and
- 20 (2) report the aggregate number of positive and negative nucleic acid COVID-19 diagnostic tests and
- 21 the aggregate number of positive and negative antigen COVID-19 diagnostic tests per day to the
- 22 Division of Public Health through an online [survey.]survey available at:
- 23 [https://covid19.ncdhhs.gov/media/2889/open.](https://covid19.ncdhhs.gov/media/2889/open)

24 (f) The requirements set forth in Paragraph (e) of this Rule shall be considered met if a healthcare provider:

- 25 (1) verifies that the laboratory that receives the specimen for testing will report the test result in
- 26 accordance with Paragraph (b) of this Rule; and
- 27 (2) includes patient first and last name, date of birth, address, county of residence, phone number, sex,
- 28 race, ethnicity, and specimen collection date on the lab order.

29 (g) The requirement for healthcare providers to report COVID-19 diagnostic test results, as set out in Paragraph (e)

30 of this Rule, is separate from the requirement for physicians to report suspected infections of COVID-19, a novel

31 coronavirus, including positive COVID-19 diagnostic test results, in accordance with G.S. 130A-135 and Rules

32 .0101(a) and .0102(a) of this Section.

33 (h) Laboratories and healthcare providers who are required to report under this Rule shall report positive COVID-19

34 diagnostic test results immediately upon receiving the result and negative COVID-19 diagnostic test results within 24

35 hours of receiving the result. Results reported to a local health department under this Rule shall be forwarded to the

36 Division of Public Health within 24 hours of receipt by the local health department.

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1 *History Note:* *Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141; 130A-141.1; S.L. 2020-4, s. 4.10(a)(1);*
2 *[P.L. 100-578; 42 C.F.R. 493;]*
3 *Emergency Adoption Eff. September 25, 2020;*
4 *Temporary Adoption Eff. December 1, 2020;*
5 *Eff. October 1, 2021.*

1 10A NCAC 41A .0212 is amended with changes as published in 35:23 NCR 2521–2522 as follows:

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3 **10A NCAC 41A .0212 HANDLING AND TRANSPORTATION OF BODIES**

4 (a) Persons handling the body of any person who has died shall comply with the standard precautions for all patient
5 care published by the United States Centers for Disease Control and Prevention, which are hereby incorporated by
6 reference, including any subsequent amendments and editions, and available free of charge at:
7 <https://www.cdc.gov/infectioncontrol/basics/standard-precautions.html>.

8 ~~(a)~~(b) It shall be the duty of the ~~physician~~ physician, physician assistant, or nurse practitioner attending to any person
9 who dies and is known to be infected with HIV, plague, ~~or~~ hepatitis B, or COVID-19 or any person who dies and is
10 known or reasonably suspected to be infected with smallpox, rabies, severe acute respiratory syndrome (SARS), or
11 Jakob-Creutzfeldt to provide ~~written~~ written, verbal, or electronic notification to ~~all~~ individuals handling the body of
12 the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraphs (d), (e), and (f) of this Rule. This
13 ~~written~~ written, verbal, or electronic notification shall be provided to the funeral service director, funeral service
14 worker, or body transporter ~~personnel~~ at the time the body is removed from any hospital, nursing home, or other health
15 care facility. When the patient dies in a location other than a health care facility, the ~~attending physician~~ physician,
16 physician assistant, or nurse practitioner shall notify the funeral service director, funeral service worker, or body
17 transporter ~~personnel~~ verbally of the precautions required as soon as the ~~physician~~ physician, physician assistant, or
18 nurse practitioner becomes aware of the death. These precautions are noted set forth in Paragraphs ~~(b)~~(d), (e), and (e)-
19 (f) of this Rule. The duty to notify shall be considered met if performed by one of the following individuals:

20 (1) the physician, physician assistant, or nurse practitioner attending to the person who died; or

21 (2) a designated representative of the physician, physician assistant, or nurse practitioner.

22 (c) It shall also be the duty of a medical examiner with jurisdiction pursuant to G.S. 130A-383 over the body of any
23 person who dies and is known to be infected with COVID-19 to provide written, verbal, or electronic notification to
24 the funeral service director, funeral service worker, or body transporter at the time the body is removed from medical
25 examiner custody of the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraph (f) of this Rule.
26 [These precautions are noted in Paragraph (f) of this Rule.] The duty to notify shall be considered met if performed
27 by a designated representative of the medical examiner.

28 ~~(b)~~(d) The body of any person who died and is known or reasonably suspected to be infected with smallpox or severe
29 acute respiratory syndrome (SARS) or any person who died and is known to be infected with plague shall not be
30 embalmed. The body shall be enclosed in a ~~strong~~ tightly sealed outer case ~~which~~ that will prevent leakage or escape
31 of odors as soon as possible after death and before the body is removed from the hospital room, home, building, or
32 other premises where the death occurred. This case shall not be reopened except with the consent of the local health
33 director. Nothing in this Paragraph shall prohibit cremation.

34 ~~(e)~~(e) Persons handling the body of any person who died and is known to be infected with HIV or hepatitis B or any
35 person who died and is known or reasonably suspected to be infected with Jakob-Creutzfeldt or rabies shall be
36 provided ~~written~~ written, verbal, or electronic notification to observe blood and body fluid precautions.

37 (f) Persons handling the body of any person who died and is known to be infected with COVID-19 shall be provided
38 written, verbal, or electronic notification to observe the COVID-19 guidance for funeral home workers published by

1 the United States Centers for Disease Control and Prevention, which is hereby incorporated by reference, including
2 any subsequent amendments or editions, and available free of charge at: [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/community/funeral-faqs.html)
3 [ncov/community/funeral-faqs.html](https://www.cdc.gov/coronavirus/2019-ncov/community/funeral-faqs.html).
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5 *History Note: Authority G.S. 130A-144; 130A-146;*
6 *Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*
7 *Eff. March 1, 1988;*
8 *Recodified from 15A NCAC 19A .0204 Eff. June 11, 1991;*
9 *Temporary Amendment Eff. November 1, 2003;*
10 *Amended Eff. April 1, 2004;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
12 *2018;*
13 *Emergency Amendment Eff. September 25, 2020;*
14 *Temporary Amendment Eff. December 1, 2020;*
15 *Amended Eff. October 1, 2021.*