John Bel Edwards
GOVERNOR

Stephen R. Russo, JD
INTERIM SECRETARY

State of Louisiana

Louisiana Department of Health
Office of the Secretary

To: **The Honorable John Bel Edwards, Governor, State of Louisiana** (Via Email)
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice (Via Email)
The Honorable Patrick Page Cortez, President, Louisiana Senate (apa.senatepresident@legis.la.gov)
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives (apa.housespeaker@legis.la.gov)
Catherine Brindley, Editor, *Louisiana Register* (reg.submission@la.gov)
Senate Health and Welfare Committee (apa.s-h&w@legis.la.gov)
House Health and Welfare Committee (apa.h-hw@legis.la.gov)

From: By Cindy Rivera for **Stephen R. Russo, JD, Interim Secretary, Louisiana Department of Health**

Date: **March 6, 2020**

Re: **Justification of Promulgation of Emergency Rule**
LAC 51:105 and 107 – Disease Reporting Requirements

MEMORANDUM

In accordance with the Administrative Procedure Act (La. R.S. 40: 950 *et seq.*) as amended, the Louisiana Department of Health, Office of Public Health, is submitting the following emergency rule that amends LAC 51:105 and 107.

This action is being taken as authorized by R.S. 40:4(A)(13). The changes add COVID-19 to the listed reportable diseases and conditions, and add COVID-19 to the electronic reporting by a laboratory/facility. Further, this Emergency Rule will provide the state health officer the ability to make critical decisions that protect human health.

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Melissa Mendoza at Melissa.Mendoza@la.gov or (504) 568-2772.

Attachments: Emergency Rule – LAC 51:105 and 107

Cc: Jimmy Guidry, MD, State Health Officer
Alexander Billioux, MD, DPhil, LDH Assistant Secretary, OPH
Melissa Mendoza, Legislative and Regulatory Affairs Director, OPH
Anita Dupuy, Legislative Liaison, LDH
Allen Enger, Rulemaking Coordinator, LDH
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

DECLARATION OF EMERGENCY
Louisiana Department of Health
Office of Public Health

The Louisiana Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is promulgated specifically in accordance with R.S. 49:953(B) of the Administrative Procedure Act (R.S. 49:950, *et seq.*). The LDH/OPH expressly finds that an imminent peril to the public health, safety, or welfare requires adoption of this rule on an emergency basis.

The LDH/OPH finds it necessary to add Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2 to the list of reportable diseases and conditions set forth in §105 of Part II of the Sanitary Code (LAC Title 51). On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the recent COVID-19 outbreak a "public health emergency of international concern" (PHEIC). On January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to COVID-19.

The following Emergency Rule, effective March 6, 2020, shall remain in effect for a maximum of 120 days, or until the final Rule is promulgated, whichever occurs first.

Title 51
Part II. The Control of Diseases
Chapter 1. Disease Reporting Requirements

§105. Reportable Diseases and Conditions

A. – C. …

D. The following diseases or conditions are hereby declared reportable with reporting requirements by class.

1. Class A Diseases or Conditions which Shall Require Reporting within 24 Hours

a. Class A diseases or conditions include diseases or conditions of major public health concern because of the severity of the disease or condition and the potential for epidemic spread. Class A diseases or conditions shall be reported to the Office of Public Health by telephone (or in another electronic format acceptable to the Office of Public Health) immediately upon recognition that a case, a suspected case, or a positive laboratory result is known. In addition, all cases of rare or exotic communicable diseases, unexplained death, unusual clusters of disease and all outbreaks shall be reported. Any class A disease or condition, rare or exotic communicable disease, unexplained death, or unusual cluster of disease and any disease outbreak, shall be reported to the Office of Public Health as soon as possible but no later than 24 hours from recognition that a case, a suspected case, a positive laboratory result, an

unexplained death, an unusual cluster of disease, or a disease outbreak is known. The following diseases or conditions shall be classified as class A for reporting requirements:

a.i.-x. …

xi. ~~diphtheria~~ Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2;

~~xi~~ xii. diphtheria;

~~xii~~xiii. *Enterobacteriacea*, carbenum-resistant;

~~xiii~~xiv. fish or shellfish poisoning (domoic acid poisoning, neurotoxic shellfish poisoning, ciguatera, paralytic shellfish poisoning, scombroid);

~~xiv~~xv. food-borne illness;

~~xv~~xvi. glanders (Burkholderia mallei);

~~xvi~~xvii. *Haemophilus influenzae* (invasive infection);

~~xvii~~xviii. influenza-associated mortality;

~~xviii~~xix. measles (rubeola, imported or indigenous);

~~xix~~xx. melioidosis (Burkholderia pseudomallei);

~~xx~~xxi. *Neisseria meningitidis* (invasive infection);

~~xxi~~xxii. outbreaks of any infectious diseases;

~~xxii~~xxiii. pertussis;

~~xxiii~~xxiv. plague (*Yersinia pestis*);

~~xxiv~~xxv. poliomyelitis (paralytic and non-paralytic);

~~xxv~~xxvi. *Pseudomonas aeruginosa*, carbapenem-resistant;

~~xxvi~~xxvii. Q fever (Coxiella burnettii);

~~xxvii~~xxviii. rabies (animal and human);

~~xxii~~xxiv. ricin poisoning;

~~xxix~~xxx. rubella (congenital syndrome);

~~xxx~~xxxi. rubella (German measles);

~~xxxi~~xxxii. severe acute respiratory syndrome-associated coronavirus (SARS-CoV);

~~xxxii~~xxxiii. *Staphylococcus aureus*, vancomycin intermediate or resistant (VISA.VRSA);

~~xxxiii~~xxxiv. staphylococcal enterotoxin B (SEB) pulmonary poisoning;

~~xxxiv~~xxxv. smallpox;

~~xxxv~~xxxvi. tularemia (Francisella tularensis);

~~xxxvi~~xxxvii. viral hemorrhagic fever (Ebola, Lassa, Marburg, Crimean Congo, etc.); and

~~xxxvii~~xxxviii. yellow fever.

D.2-E.6 …

AUTHORITY NOTE: Promulgated in accordance with Louisiana Revised Statutes of 1950, Title 40, as amended.
HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 46:

§107. Laboratory and Healthcare Facility Reporting Requirements
(Formerly §113)

A-E. …

F. Electronic reporting by a laboratory/facility shall include any results, negative or positive, for all components of testing indicative of the following conditions:

1. Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2;

~~1~~ 2. hepatitis C virus;

~~2~~ 3. human immunodeficiency virus (HIV), including nucleotide sequences; and

~~3~~ 4. syphilis.

Interested persons may submit written comments to DeAnn Gruber, Bureau Director, Bureau of Infectious Diseases, Office of Public Health, 1450 Poydras St., Ste. 2136, New Orleans, LA, 70112 or faxed to (504) 568-7044.

Signed on the 6th day of March, 2020 by:

Jimmy Guidry, MD State Health Officer

Stephen R. Russo, JD, Interim Secretary