STATE OF NORTH DAKOTA
DEPARTMENT OF HEALTH

STATE HEALTH OFFICER ORDER FOR TESTING FOR 2019-nCoV/COVID-19 AS A DISEASE CONTROL MEASURES TO PREVENT THE SPREAD OF 2019-nCoV/COVID-19 PURSUANT TO NORTH DAKOTA CENTURY CODE § 23-01-05(12)

SECTION A: SUBJECT PERSONS

NORTH DAKOTA RESIDENTS.

SECTION B: FINDINGS

1. The Director General of the World Health Organization has declared that the 2019-nCoV/COVID-19 constitutes a Public Health Emergency of International Concern. The Secretary of the U.S. Department of Health and Human Services has declared that 2019-nCoV/COVID-19 constitutes a public health emergency.

2. On March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing 2019-nCoV/COVID-19 crisis in the United States.

3. On March 13, 2020, Governor Doug Burgum declared a state of emergency in response to the public health crisis resulting from 2019-nCoV/COVID-19; Executive Order 2020-03 activated the State Emergency Operation Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures.

4. Both travel related cases and community contact transmission of 2019-nCoV/COVID-19 have been documented in North Dakota and are expected to continue.

5. Delay in imposing this Order would significantly jeopardize the ability of the Department of Health to prevent or limit the transmission of 2019-nCoV/COVID-19, a contagious disease, to others.

6. Increased transmission poses a substantial threat to the residents who are living in a congregate setting and have an increased risk of developing complication related to 2019-nCoV/COVID-19, public health, and the health care system.

7. A written order for testing for 2019-nCoV/COVID-19 is a disease control measure and is authorized pursuant to N.D.C.C. 23-01-05(12).

8. Written orders issued pursuant to N.D.C.C. 23-01-05(12) shall have the same effect as a physician's standing medical order.

SECTION C: REQUIREMENTS

1. The Abbott BinaxNOW™ diagnostic test is authorized for purposes of screening subject persons, as defined by SECTION A, for 2019-nCoV/COVID-19 at locations with a Clinical Laboratory Improvement Amendment (CLIA) Certificate of Waiver. Pursuant to CLIA rules, persons who perform screenings in accordance with this Order must be appropriately trained to use the Abbott BinaxNOW™ diagnostic test and must use appropriate personal protective equipment when handling samples. Appropriately trained

individuals will have completed the BinaxNOW COVID-19 Ag Card training and any other training required by the North Dakota Department of Health.

2. Any entity testing minors must obtain written parental consent.

3. Data for all each individual tested pursuant to this Order must be reported within twenty-four (24) hours to the North Dakota Department of Health.

SECTION D: EFFECTIVENESS

The requirements of this Order are effective upon execution and until revocation by the State Health Officer.

SECTION E: STATE HEALTH OFFICER EXECUTION

Dated this 16 day of December, 2020.

Dirk Wilke, J.D., M.B.A.
State Health Officer
North Dakota Department of Health