



## Public Health

### NC Communicable Disease Laws Frequently Asked Questions

#### **Why should communicable diseases be reported?**

Reporting cases of communicable diseases and related conditions has been and remains a vital step in controlling and preventing the spread of communicable disease. These reports are useful in many ways, including assurance of provision of appropriate medical therapy (eg, for tuberculosis), detection of common-source outbreaks (eg, in food-borne outbreaks), and planning and evaluating prevention and control programs (eg, for vaccine-preventable diseases). Durham County monitors for approximately 70 communicable diseases that can potentially threaten the population.

#### **What communicable diseases and conditions are reportable in North Carolina?**

The NC Commission for Health Services establishes the list of reportable communicable diseases and conditions. Several diseases have been added to the list in recent years, including listeriosis, smallpox, and SARS. In 2014, two new diseases were added—MERS (Middle East Respiratory Syndrome) and Chikungunya. The list of communicable diseases is published in the North Carolina Administrative Code, at 10A NCAC 41A.0101. It also appears as an attachment to the communicable disease report form.

#### **Who is required to make the reports?**

NC law requires the following people to make reports to the local health director/health department:

- Physicians (GS 130A-135)
- School principals and child care operators (GS 130A-136)
- Operators of restaurants/other food or drink establishments (GS 130A-138)
- Persons in charge of laboratories (GS 130A-139)

#### **If laboratories are required to report all positive lab results of communicable diseases, do physicians still have to report?**

Yes. According to NC General Statute 130A-135, “a physician licensed to practice medicine who has reason to suspect that a person about whom the physician has been consulted professionally has a communicable disease or communicable condition declared by the Commission to be reported, shall report information required by the Commission to the local health director of the county or district in which the physician is consulted.”

#### **Must a physician wait for lab reports confirming the communicable disease or condition before making the report?**

No. GS 130A-135 requires physicians to report when they have *reason to suspect* that a person has a communicable disease or condition. Not only are they not required to wait for lab confirmation, in some cases they should not wait for lab confirmation. For example, if a physician has reason to suspect MERS, waiting for lab results could significantly delay public health response and the disease could spread.

### **Does HIPAA prohibit physicians from reporting communicable diseases and conditions?**

NO...Many health care providers are confused and worried about their obligations under HIPAA and are erring on the side of refusing to disclose information as a result. To the contrary, HIPAA specifically allows physicians to make these reports. There are at least two sections of the HIPAA privacy rule that allow health care providers to make reports:

- Section 164.512(a) allows health care providers to disclose protected health information when the disclosure of information is required by another law, such as a state law. North Carolina state laws regarding communicable disease reports are perfect examples of state laws requiring disclosure of protected health information.
- Section 164.512(b) specifically allows health care providers to disclose protected health information to a public health authority that is authorized by law to receive the information for public health purposes, including the investigation or control of diseases. HIPAA specifically mentions communicable disease reporting laws as examples of laws that would fit into this category.

### **Can local health department staff obtain medical records by requesting them if they are necessary for an investigation of a disease report or an outbreak?**

Yes. Physicians, persons in charge of medical facilities, and persons in charge of laboratories must make confidential medical records available to health department staff investigating the following:

- a communicable disease report, or a known or suspected outbreak of a communicable disease or condition (GS 130A-144(b)), or
- a report, case, or outbreak of an illness, condition, or health hazard that may have been caused by bioterrorism (GS 130A-476(c)).

A person who provides access to records or information pursuant to these laws is immune from civil or criminal liability that might otherwise be imposed under state law. GS 130A-144(c) and 130A-476(d).

### **What are control measures for communicable diseases?**

Control measures are actions/activities that, when fully and correctly implemented, can decrease the risk of transmission of communicable disease. Control measures may differ depending on the specific communicable disease and route of transmission (ie: airborne, bloodborne, fecal-oral, sexual)

### **Which communicable diseases have specific control measures?**

Control measures are established by rule in NC and can be found in the NC Administrative Code (10A NCAC 41A.0201 through .0214). The NCAC establishes specific control measures for the following diseases:

- HIV (10A NCAC 41A.0202)
- Hepatitis B (10A NCAC 41A.0203)
- Hepatitis C (10A NCAC 41A.0214)
- Sexually transmitted diseases, defined as syphilis, gonorrhea, chlamydia, nongonococcal urethritis, mucopurulent cervicitis, chancroid, lymphogranuloma venereum, and granuloma inguinale (10A NCAC 41A.0204)
- Tuberculosis (10A NCAC 41A.0205)
- Smallpox and vaccinia disease (10A NCAC 41A.0208)
- SARS (10A NCAC 41A.0213)

**Who is responsible for telling a patient about control measures if he/she is diagnosed with a disease that requires control measures?**

According to 10 A NCAC 41A .0210, “ immediately upon making a diagnosis of or reasonably suspecting a communicable disease or communicable condition for which control measures are provided..., the attending physician shall instruct the patient and any other person specified in those control measures to carry out those control measures and shall give sufficiently detailed instructions for proper compliance, or the physician shall request the local health director to give such instruction. When making the initial telephone report for diseases and conditions required to be reported within 24 hours, the physician shall inform the local health director of the control measures given.”

**What happens if a patient doesn't comply with the control measures?**

There are two ways a local health director can enforce public health laws, including the communicable disease control measures:

- Civil enforcement: The health director can ask a superior court judge for a court order directing a person to comply with the law. (GS 130A-18) A person who refuses to comply with a court order could be held in contempt of court.
- Criminal enforcement: A person who violates a public health law can be charged with a misdemeanor. (GS 130A-25)

**How do I report a communicable disease to the Durham County Department of Public Health ?**

Complete Part I of the Confidential Communicable Disease Report form and fax it, along with pertinent clinical information and records, to the Durham County Department of Public Health at 919-560-7716. If you have questions about reporting a communicable disease or condition, please call the health department Communicable Disease Program staff at 919-560-7896 or 919-560-7886.

**How does the Durham County Department of Public Health report cases of communicable disease to the state?**

The Durham County Department of Public Health reports all cases of communicable disease to the NC Division of Public Health through use of the North Carolina Electronic Disease Surveillance System (NC EDSS). NC EDSS is a web-based surveillance and reporting system used across the state by all local health departments, Regional HIV/STD offices, and the Department of Environmental Health and Natural Resources(DENR). Use of the system has made the reporting process more timely and efficient, and provides a readily accessible disease database for both local and state public health officials.

**Can physicians use NC EDSS to report communicable diseases to the Durham County Department of Public Health ?**

No. At this time, only persons authorized by the state are qualified to use the system.

It is important to note that positive laboratory results for reportable communicable diseases enter directly into the system through an electronic feed if processed by the NC State Laboratory of Public Health, LabCorp, and certain laboratories affiliated with Carolinas Healthcare System. As a result of the electronic lab report (ELR), the Durham County Health Department may often be aware of a case of a communicable disease, but the physician still has a duty to report the disease.

**Durham County – To Report a Communicable Disease:**

**FAX : (919) 560-7716 | PHONE: (919) 560-7896 OR (919) 560-7886**