



J. Patrick O'Neal, M.D., Commissioner | Nathan Deal, Governor

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21 September 2017

**NOTICE OF PROPOSED RULEMAKING**  
**Proposed Amendments to Public Health Regulations**  
**Chapter 511-2-1 "Notification of Disease"**

Please take note that the Department of Public Health proposes to amend certain regulations in Chapter 511-2-1 "Notification of Disease" pursuant to its authority under O.C.G.A. § 31-2A-6 and 31-12-2.

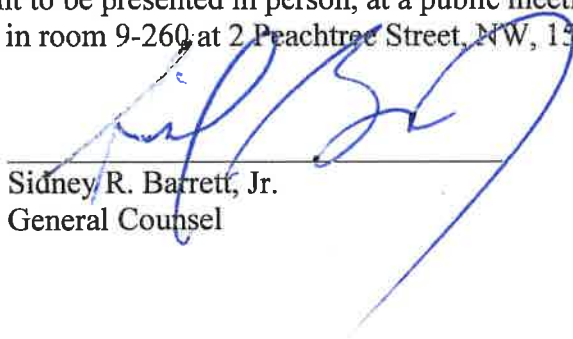
The proposed amendments affect four existing regulations: DPH Rules 511-2-1-.01, -.02, -.03 and -.04. DPH Rule 511-2-1-.05 "Pilot Study for the Reporting of Pediatric Asthma Deaths" will remain in effect without change.

The purpose of the proposed rulemaking is to add a definition of "clinical materials"; to clarify the duty of a reporter to provide clinical isolates and other clinical materials to the Department; and to simplify and update the language.

Interested persons may submit comments on these proposed revisions in writing addressed to:

Sidney R. Barrett, Jr., General Counsel  
Georgia Department of Public Health  
2 Peachtree Street, NW, 15<sup>th</sup> Floor  
Atlanta, GA 30303

The Department shall consider the adoption of this proposal, and shall provide an opportunity for public comment to be presented in person, at a public meeting scheduled for 3:00 p.m., 19 October 2017, in room 9-260 at 2 Peachtree Street, NW, 15<sup>th</sup> Floor, Atlanta, GA.



Sidney R. Barrett, Jr.  
General Counsel

### **511-2-1-.01 Definitions.**

- (1) "Notifiable disease" means an illness, condition, or disability listed on the Department's current official roster of notifiable diseases and conditions, as it may be revised from time to time.
- (2) "Clinical materials" means a patient specimen taken for the purpose of identifying a suspected agent of disease, a clinical isolate derived from such a specimen, nucleic acid, or other laboratory material taken or created for the purpose of identifying a suspected agent of disease.
- (3) "Department" means the Georgia Department of Public Health.
- (4) "Reporter" means a licensed physician, clinical laboratory, or the chief administrative officer or a designee thereof of a hospital, nursing home, clinic, health maintenance organization, university health service, primary health care center, or institution such as a school, day care center, mental health hospital, or detention facility.
- (5) "Person" means any individual, firm, partnership, association, corporation, the State or any municipality or other subdivision thereof, or any other entity whether organized for profit or not.

Authority: O.C.G.A. Secs. 31-2A-6, 31-12-2, 31-17-2.

### **511-2-1-.02 Duty to Report Notifiable Diseases.**

- (1) It shall be the duty of every reporter to promptly notify the Department upon discovering an actual or suspected case of a notifiable disease. Reports may be made through the State Electronic Notifiable Disease Surveillance System (SendSS), by telephone, by letter, or by completing and transmitting forms provided by the Department.
- (2) Outbreaks or unusual clusters of disease, whether infectious or noninfectious, must be reported promptly to the local county health department or to the Department.
- (3) The Department shall determine which diseases and conditions require notice, and shall publish an official roster of said notifiable diseases and conditions on its website. The official roster of notifiable diseases and conditions may contain instructions requiring a reporter to forward to the Department any clinical materials found to contain an agent of a notifiable disease. Each county health department shall be responsible for making the current notifiable disease roster available to local reporters, and for providing guidance and assistance on their reporting duties.
- (4) Upon special request by the Department, a reporter shall provide information or clinical materials which indicate the presence of diseases or conditions of public health significance, such as newly recognized infectious agents, antimicrobial resistant infections such as those caused by carbapenem resistant enterobacteriaceae, deaths or critical illness from suspected infectious agents, alcohol/drug abuse, birth defects, cancer, heart attack, stroke, injuries, poisonings and occupational diseases.
- (5) Upon special request by the Department, a reporter shall provide additional information to the Department concerning patients for whom they have submitted clinical materials, and to provide additional clinical materials when so requested for the purpose of providing complete laboratory

confirmation of cases having public health importance, if the condition and circumstances of the patient permit.

(6) Clinical laboratories shall retain all reports of notifiable disease for two years from the date of the report. Clinical laboratories shall retain clinical materials containing an agent of a notifiable disease for at least one week from the date of the report, and shall send said materials to the Department for further testing upon request or as directed in the official roster of notifiable diseases and conditions.

(7) Information concerning the occurrence or probable occurrence of any notifiable disease and condition which comes to the attention of any county health department shall be promptly transmitted to the Department.

Authority: O.C.G.A. Secs. 31-2A-6, 31-12-2, 31-17-2.

#### **511-2-1-.03 Confidentiality.**

All reports submitted to a county health department or to the Department pursuant to this Chapter shall be deemed confidential and shall not be subject to public inspection.

Authority: O.C.G.A. Secs. 31-2A-6, 31-5-5, 31-12-2, 31-17-2.

#### **511-2-1-.04 Liability.**

Any person, including but not limited to practitioners of the healing arts, who in good faith submit reports or data to the Department or to a county health department pursuant to the provisions of this Chapter shall not be liable for any civil damages therefor.

Authority: O.C.G.A. Secs. 31-2A-6, 31-12-2, 31-17-2.