



December 2020

Dear Colleague:

Under State law and Department of Public Health (DPH) rules and regulations, DPH is empowered to declare certain diseases, injuries, and conditions to be diseases requiring notice (“notifiable diseases”). DPH is also empowered to require reporters<sup>1</sup> to promptly notify the appropriate county board of health and DPH within 24 hours of testing or consultation in a manner and at such times as DPH may prescribe upon discovering an actual or suspected case of a notifiable disease.<sup>2</sup>

During a public health emergency such as the one declared March 14, 2020, due to the COVID-19 pandemic, DPH is to “investigate all . . . cases [of pandemic disease] to determine sources of infection and to provide for proper control measures” as well as “identify, interview, and counsel, as appropriate, all individuals reasonably believed to have been exposed to risk.”<sup>3</sup>

In order to investigate cases and assess exposures, DPH must receive specific demographic, clinical, and laboratory information from reporters. Federal and state laws specifically allow DPH to receive this protected health information as part of DPH’s statutory duty to protect the health and safety of Georgia citizens.<sup>4</sup> Further, reporters do not incur liability for reporting to DPH, as Georgia law specifically states that “[a]ny person . . . submitting in good faith reports or data to the department or county boards of health . . . shall not be liable for any civil damages therefor.”<sup>5</sup>

Reporters must report case information for individuals who test positive for COVID-19, preferably by using the State Electronic Notifiable Disease Surveillance System (SendSS), a secure, web-based repository.<sup>6</sup> If SendSS is not accessible to a reporter, case reports can be made by telephone, fax, or mail to Health Districts or DPH Epidemiology Section.<sup>7</sup> Laboratory data must also be reported to DPH by any facility performing COVID-19 testing and shall include both positive and negative results. Laboratory data may be reported through HL7 messaging, spreadsheet if using an approved template, or the Point-of-Care Portal, each of which is considered Electronic Laboratory Reporting (ELR).

As of the date this Communication is signed, reporters who send specimens collected for COVID-19 testing to commercial or other clinical laboratories must continue to report case information for individuals who test positive for COVID-19 through SendSS, telephone, fax, or mail. However, if a reporter performs on-site COVID-19 testing, meaning that specimens are collected and tested at the same location, and reports through ELR, it can rely on ELR for reporting and is not required

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<sup>1</sup> Ga Comp. R. & Regs. 511-2-1-.01(h) -- 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.

<sup>2</sup> O.C.G.A. §§ 31-12-2(a); §31-22-7; Ga. Comp. R. & Regs. 511-2-1-.02(1); <https://dph.georgia.gov/epidemiology/disease-reporting>.

<sup>3</sup> O.C.G.A. §31-12-2.1.

<sup>4</sup> O.C.G.A. §§ 31-2A-4, 31-12-2

<sup>5</sup> O.C.G.A. § 31-12-2(d); Ga Comp. R. & Regs. 511-2-1-.04

<sup>6</sup> <https://sendss.state.ga.us/sendss/login.screen>.

<sup>7</sup> <http://dph.georgia.gov/disease-reporting>

to report COVID-19 case information through SendSS, telephone, fax, or mail. But, if the reporter or DPH identifies any issue(s) related to timely or complete ELR messaging, within 24 hours of identification, the reporter must begin entry of all positive COVID-19 reports into SendSS or provide that information to DPH by telephone, fax, or mail. Reporting of positives through SendSS or by telephone, fax, or mail to DPH must continue until DPH notifies the reporter that the ELR issue(s) has been resolved and alternate reporting methods can cease. If a reporter does not comply with DPH's directive to enter positive COVID-19 reports into SendSS or submit via telephone, fax, or mail, DPH may refer the reporter for consideration of action to require compliance with applicable DPH laws and rules and regulations.<sup>8</sup> Pending the circumstances of non-compliance, DPH may also refer the reporter to the Secretary of the Department of Health and Human Services (HHS) if the reporter is not in compliance with federal law.<sup>9</sup>

If you have any questions or concerns about your responsibility as a reporter to report notifiable diseases, including COVID-19 test results, or the content of this communication, please call 404-657-2700 and ask to speak to DPH's General Counsel.

Sincerely,



Kathleen E. Toomey, M.D., M.P.H.  
Commissioner and State Health Officer

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<sup>8</sup> O.C.G.A. § 31-12-2(a); Ga. Comp. R. & Regs. 511-2-1-.02(1).

<sup>9</sup> 42 CFR § 493; CARES Act Section 18115