



# COMMONWEALTH of VIRGINIA

## Department of Health

M. Norman Oliver, MD, MA  
State Health Commissioner

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Dear Medical Care Facility Director,

The Virginia Department of Health (VDH) has heard from many medical care facilities that recent amendments to the list of reportable conditions have created an increased burden in reporting to public health. The *Regulations for Disease Reporting and Control* stipulate that persons in charge of a medical care facility may assume the reporting responsibility on behalf of the Director of the Laboratory operating within the facility. However, there is no provision for the Director of the Laboratory to assume the reporting responsibility placed on the person in charge of a medical care facility. 12 Va. Admin. Code § 5-90-90(C).

The *Code of Virginia* § [32.1-12](#) authorizes the Board of Health to provide for reasonable variances and exemptions from its regulations. Further, pursuant to § [32.1-20](#), the State Health Commissioner is vested with 'all the authority of the Board [of Health] when it is not in session.' As the Board is not currently in session, I am exercising my authority and find that reasonable exemptions to the regulations are necessary to carry out the provisions of Title 32.1 relating to the reporting of diseases. I hereby exempt persons in charge of a medical care facility from the requirement of 12 Va. Admin Code § 5-90-90(C) to report the following conditions when such person has written documentation that those reports are being made by the Director of the Laboratory operating within the same facility:

- *Candida auris*, infection or colonization;
- Carbapenemase-producing organism, infection or colonization; and
- Influenza, confirmed seasonal strain by culture, antigen detection via direct fluorescent antibody (DFA), or nucleic acid detection, except this exemption does not apply to:
  - Influenza A, novel viruses;
  - Suspected outbreaks; or
  - Influenza-associated deaths in children < 18 years of age. This exemption applies only to the conditions identified above and will remain in effect until the exemption is revoked.

For interpretive guidance on isolate submission and reporting for *C. auris* and carbapenemase-producing organisms, please see the [VDH Healthcare-Associated Infections \(HAI\) website](#).

Sincerely,

M. Norman Oliver, MD, MA  
State Health Commissioner