

1 10A NCAC 41A .0212 is proposed for amendment as follows:

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10A NCAC 41A .0212 HANDLING AND TRANSPORTATION OF BODIES

(a) Persons handling the body of any person who has died shall comply with the standard precautions for all patient care published by the United States Centers for Disease Control and Prevention, which are hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: <https://www.cdc.gov/infectioncontrol/basics/standard-precautions.html>.

~~(a)~~(b) It shall be the duty of the ~~physician~~ physician, physician assistant, or nurse practitioner attending to any person who dies and is known to be infected with HIV, plague, ~~or~~ hepatitis B, or COVID-19 or any person who dies and is known or reasonably suspected to be infected with smallpox, rabies, severe acute respiratory syndrome (SARS), or Jakob-Creutzfeldt to provide ~~written~~ written, verbal, or electronic notification to ~~all~~ individuals handling the body of the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraphs (d), (e), and (f) of this Rule. This ~~written~~ written, verbal, or electronic notification shall be provided to the funeral service director, funeral service worker, or body transporter personnel at the time the body is removed from any hospital, nursing home, or other health care facility. When the patient dies in a location other than a health care facility, the ~~attending physician~~ physician, physician assistant, or nurse practitioner shall notify the funeral service director, funeral service worker, or body transporter personnel ~~verbally~~ of the precautions required as soon as the ~~physician~~ physician, physician assistant, or nurse practitioner becomes aware of the death. These precautions are noted in Paragraphs ~~(b)~~(d), (e), and (f) of this Rule. The duty to notify shall be considered met if performed by one of the following individuals:

- (1) the physician, physician assistant, or nurse practitioner attending to the person who died; or
- (2) a designated representative of the physician, physician assistant, or nurse practitioner.

(c) It shall also be the duty of a medical examiner with jurisdiction pursuant to G.S. 130A-383 over the body of any person who dies and is known to be infected with COVID-19 to provide written, verbal, or electronic notification to the funeral service director, funeral service worker, or body transporter at the time the body is removed from medical examiner custody of the proper precautions to prevent ~~infection~~ infection, as set forth in Paragraph (f) of this Rule. These precautions are noted in Paragraph (f) of this Rule. The duty to notify shall be considered met if performed by a designated representative of the medical examiner.

~~(b)~~(d) The body of any person who died and is known or reasonably suspected to be infected with smallpox or severe acute respiratory syndrome (SARS) or any person who died and is known to be infected with plague shall not be embalmed. The body shall be enclosed in a ~~strong, tightly~~ sealed outer case ~~which~~ that will prevent leakage or escape of odors as soon as possible after death and before the body is removed from the hospital room, home, building, or other premises where the death occurred. This case shall not be reopened except with the consent of the local health director. Nothing in this Paragraph shall prohibit cremation.

~~(e)~~(e) Persons handling the body of any person who died and is known to be infected with HIV or hepatitis B or any person who died and is known or reasonably suspected to be infected with Jakob-Creutzfeldt or rabies shall be provided ~~written~~ written, verbal, or electronic notification to observe blood and body fluid precautions.

(f) Persons handling the body of any person who died and is known to be infected with COVID-19 shall be provided written, verbal, or electronic notification to observe the COVID-19 guidance for funeral home workers published by

1 the United States Centers for Disease Control and Prevention, which is hereby incorporated by reference, including
2 any subsequent amendments or editions, and available free of charge at: [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/community/funeral-faqs.html)
3 [ncov/community/funeral-faqs.html](https://www.cdc.gov/coronavirus/2019-ncov/community/funeral-faqs.html).

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5 *History Note: Authority G.S. 130A-144; 130A-146;*
6 *Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*
7 *Eff. March 1, 1988;*
8 *Recodified from 15A NCAC 19A .0204 Eff. June 11, 1991;*
9 *Temporary Amendment Eff. November 1, 2003;*
10 *Amended Eff. April 1, 2004;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
12 *2018;*
13 *Emergency Amendment Eff. September 25, 2020;*
14 *Temporary Amendment Eff. December 1, 2020.*