

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



## Virginia Department of Planning and Budget Economic Impact Analysis

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**12 VAC 5-110 Regulations for the Immunization of School Children**  
**Virginia Department of Health**  
**Town Hall Action/Stage: 4822 / 7938**  
September 22, 2017

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### **Summary of the Proposed Amendments to Regulation**

The State Board of Health (Board) proposes to: 1) incorporate language from § 22.1-271.2 of the Code of Virginia to clarify that each admitting official is required to allow inspection of school immunization records by officials of the Virginia Department of Health (VDH), and 2) amend the definition of "Immunization schedules" to reference 2017 Centers for Disease Control and Prevention recommended schedules.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

#### *Incorporating Code of Virginia Language*

Code of Virginia § 22.1-271.2 (E) states that:

Every school shall record each student's immunizations on the school immunization record. The school immunization record shall be a standardized form provided by the State Department of Health, which shall be a part of the mandatory permanent student record. Such record shall be open to inspection by officials of the State Department of Health and the local health departments.

Nevertheless, VDH reports that local health department representatives have encountered increasing resistance from some school officials. Most recently, three schools initially refused to

allow records to be reviewed as part of the annual immunization survey, despite instructions to de-identify records prior to review. Access to the records by health officials help ensure that children, and adults, are appropriately protected to the extent possible from vaccine preventable diseases. VDH needs access to in the event of a vaccine-preventable disease outbreak, as well as annual reviews a random sample of school immunization records to ensure compliance with current requirements. Clarifying in the regulation that the records are required by law to be open for inspection by health department officials may increase cooperation, and may thus indirectly help limit the spread of disease.

The proposal to incorporate language from § 22.1-271.2 of the Code of Virginia to clarify that each admitting official is required to allow inspection of school immunization records by health department staff may encourage cooperation for a reason beyond just reminding the school officials that it is the law. Code of Virginia § 32.1-27 (A) states that:

Any person willfully violating or refusing, failing or neglecting to comply with any regulation or order of the Board or Commissioner or any provision of this title shall be guilty of a Class 1 misdemeanor unless a different penalty is specified.

The referenced Board is the State Board of Health; thus violating the Regulations for the Immunization of School Children constitutes a Class 1 misdemeanor. The referenced title is Title 32.1. Health, which does not include § 22.1-271.2;<sup>1</sup> thus failing to comply with § 22.1-271.2 in of itself does not constitute a Class 1 misdemeanor.

The Board's proposal to incorporate language from § 22.1-271.2 to clarify that each admitting official is required to allow inspection of school immunization records by officials of the VDH will affectively make failure to comply a Class 1 misdemeanor, since it would then be a violation of a State Board of Health regulation.

### *Amending Definition*

Under the current regulation "Immunization schedules" is defined as

the 2015 Recommended Immunization Schedules for Persons Aged 0 through 18 Years developed and published by the Centers for Disease Control and Prevention (CDC), the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

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<sup>1</sup> § 22.1-271.2 is under Title 22.1. Education.

The Board proposes to amend 2015 to 2017. The requirements of the 2017 version are the same as in the 2015 version.<sup>2</sup> Thus amending the definition will have no impact on families seeking to meet immunization requirements.

### **Businesses and Entities Affected**

The regulation affects the 5,012 licensed child care facilities, 1,862 public schools and an estimated 750 private schools in the Commonwealth, as well as families with children in these schools and facilities.

### **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposed amendments are unlikely to significantly affect total employment.

### **Effects on the Use and Value of Private Property**

The proposed amendments would not significantly affect the use and value of private property.

### **Real Estate Development Costs**

The proposed amendments do not affect real estate development costs.

### **Small Businesses:**

#### **Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

#### **Costs and Other Effects**

The proposed amendments do not significantly affect costs for small businesses.

#### **Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

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<sup>2</sup> Source: Virginia Department of Health

**Adverse Impacts:****Businesses:**

The proposed amendments do not adversely affect businesses.

**Localities:**

The proposed amendments do not adversely affect localities.

**Other Entities:**

The proposed amendments do not adversely affect other entities.

**Legal Mandates**

**General:** The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

**Adverse impacts:** Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.