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Exempt Action Final Regulation
Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) citation(s)	12 VAC5-90
Regulation title(s)	Regulations for Disease Reporting and Control
Action title	Adding Neonatal Abstinence Syndrome to the Reportable Diseases List
Final agency action date	August 15, 2017
Date this document prepared	July 17, 2017

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Neonatal Abstinence Syndrome is a condition in which a newborn has withdrawal symptoms after being exposed to certain substances, including opioids and other prescribed or illicit drugs. In the 2017 Session of the Virginia General Assembly, two bills were passed (HB1467 and SB1323) that directed the State Board of Health to adopt regulations to include neonatal abstinence syndrome on the list of diseases that are required to be reported to the health department. This regulatory action implements that mandate.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On August 15, 2017, the State Health Commissioner (Virginia Department of Health) approved an amendment to 12 VAC 5-90-80 of the Regulations for Disease Reporting and Control, which added neonatal abstinence syndrome to the reportable diseases list. Within 12 VAC 5-90-80, the condition is added to the list in section A and a brief description of what shall be reported, by whom, and by what means was added in a new section G.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Neonatal Abstinence Syndrome is most often the result of a baby withdrawing from substances the mother took during pregnancy, but it can also occur because the baby was treated for a condition after birth and experiences withdrawal after the treatment is removed. Adding this condition to the reportable disease list allows the Virginia Department of Health to track the magnitude and distribution of this problem in Virginia. It does not lead to the delivery of services to the baby or the mother and does not negate the obligation of health care providers to report to the Department of Social Services so that such services can be provided. This regulatory action does not have a direct impact on the family.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This section is not applicable to this regulatory action.