



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Department of Health
VAC Chapter Number:	12 VAC 5-90-80
Regulation Title:	Regulations for Disease Reporting and Control
Action Title:	Exempt Action to Add SARS as a Reportable Disease
Date:	April 18, 2003

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

These regulations are being amended to add Severe Acute Respiratory Syndrome (SARS) to the list of diseases that medical care provides and laboratories must report to the Health Department, enabling it to conduct epidemiological surveillance. Such surveillance enables the Department of Health to increase its protection of the health of citizens of the Commonwealth. In fact, the rapid ability to add an emerging disease to the list of reportable diseases is so crucial to the

protection of public health that the General Assembly amended Section 2.2-4002 of the Code of Virginia in 2000 to allow this to occur as an “exempt-action.”

This amendment to the regulations is necessary due to an imminent threat to public health. Severe acute respiratory syndrome (SARS) is a new communicable disease that has affected over 3,000 people worldwide in recent weeks, with 200 suspect cases in the United States, including six in Virginia. Each case needs to come immediately to the attention of the health department to ensure that measures are put in place to prevent the spread of this disease to others. The Asian and Canadian experiences have demonstrated that if a person with SARS is not properly isolated, dozens of others can become ill and hundreds may need to have restrictions placed on their usual activities. SARS can cause serious and life-threatening disease. This action amends 12 VAC 5-90-80, the reportable disease list contained in the Regulations for Disease Reporting and Control, to add “severe acute respiratory syndrome (SARS),” thereby making this a reportable condition in Virginia and allowing the Department of Health to track and respond to SARS cases.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The State Health Commissioner, vested with the authority of the State Board of health pursuant to Section 32.1-20 of the Code of Virginia, adopted this amendment as a final regulation on April 18, 2003.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

No longer required by executive order.