



Virginia
Regulatory
Town Hall

Emergency Regulation Agency Background Document

Agency Name:	Health
VAC Chapter Number:	12 VAC 5-90-80
Regulation Title:	Regulations for Disease Reporting and Control
Action Title:	Add 'Monkeypox' to the Reportable Disease List
Date:	June 13, 2003

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

Emergency Preamble

Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).

Please include a brief summary of the emergency action. There is no need to state each provision or amendment.

The emergency regulation is necessary due to an imminent threat to public health. The first cases of monkeypox ever diagnosed in the United States have occurred in May and June of this year. The emergency action amends 12 VAC 5-90-80, the reportable disease list from the Regulations for Disease Reporting and Control, to add "Monkeypox" to the list, thereby making this a reportable condition in Virginia and allowing the Virginia Department of Health to track and respond to cases that occur in the Commonwealth.

Basis

Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.

Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.

Authority exists under 2.2-4011 of the Code of Virginia in that a situation exists involving an imminent threat to public health. Monkeypox is a relatively new disease, first identified in Africa in 1970 and until now never seen in the United States. It is caused by an orthopoxvirus that resembles smallpox virus in terms of the disease it causes. The current outbreak in the United States has not reached Virginia, but the health department would need to know if any cases occurred here in order to identify and remove the source of the illness (such as ill prairie dogs) and ensure measures are taken to prevent the spread of disease to contacts of the ill individual. This regulatory action would require physicians and directors of medical care facilities to report suspect or confirmed cases of monkeypox to the health department by the most rapid means available. This would allow the department to isolate the case, monitor the health of contacts, and investigate to determine the source of the infection to ensure that others do not continue to be exposed to it.

Substance

Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.

The emergency action amends 12 VAC 5-90-80, the reportable disease list from the Regulations for Disease Reporting and Control, to add "Monkeypox" to the list, thereby making this a reportable condition in Virginia. The reportable disease list is the mechanism used by the Virginia Department of Health to gather information about conditions affecting the health of citizens of the Commonwealth. This regulatory action will position the Department to be notified and respond to suspect and confirmed cases of monkeypox.

Alternatives

Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.

The reportable disease list is the mechanism the Department uses to require reporting of diseases and conditions of public health importance by physicians, medical care facilities, and laboratories. No comparable alternative exists.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the 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, per Executive Order.