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Exempt Action Final Regulation
Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-90
Regulation title(s)	Disease Reporting and Control
Action title	Amendment to update the reportable disease list
Final agency action date	August 24, 2018
Date this document prepared	August 21, 2018

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The Regulations for Disease Reporting and Control provide information about the process and procedures for reporting diseases to the Virginia Department of Health, including what diseases must be reported, who must report them and other details related to reporting and disease control. The Virginia Department of Health is amending the lists of diseases that must be reported (12VAC5-90-80) to allow greater flexibility with respect to reporting requirements in light of rapidly changing laboratory technologies and the emergence of new pathogens that are of public health concern.

The changes to 12VAC5-90-80 include: removing Acquired immunodeficiency syndrome and Creutzfeldt-Jakob disease from the reportable disease list; adding infection or colonization with Candida auris and any carbapenemase-producing organism to the reportable disease list; adding the name of the reportable organism next to disease names on the reportable disease list and conditions reportable by laboratory

directors so that the lists are more equally meaningful to both practicing clinicians and laboratorians; removing specific laboratory methods (e.g., test types) from the list of conditions reportable by laboratory directors and replacing with more general language requiring directors of laboratories to report based on any laboratory method if the method indicates the presence of a reportable organism; updating the list of conditions reportable by laboratory directors to reflect current laboratory technology and public health standards including reporting of all lead blood levels, reporting viral loads for persons who test positive for hepatitis C, reporting liver enzyme results for persons who test positive for hepatitis B, and reporting gram negative diplococci. Creutzfeldt-Jakob disease has been removed from the list of conditions reportable by laboratory directors and subsections E-I have been reordered so the titles are in alphabetic order.

In addition, some language contained under 12VAC5-90-90, subsection B regarding the list of isolates or other specimens that must be submitted to the Division of Consolidated Laboratory Services has been moved to 12VAC5-90-80, as subsection D and has been updated. In addition, the isolate submission list also includes the names of reportable organisms next to disease names so that the isolate submission list is aligned with the reportable disease list and list of conditions reportable by laboratory directors and is more equally meaningful to practicing clinicians and laboratorians.

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 24, 2018, the State Health Commissioner, vested with the authority of the State Board of Health when it is not in session, as authorized by § 32.1-20, approved this exempt action related to the Regulations for Disease Reporting and Control.

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.

The proposed changes will indirectly protect and improve the health of the people of the Commonwealth. No adverse impacts on the institution of the family or on family stability are anticipated.

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.

Commenter	Comment	Agency response

This section is not applicable