

TO: Virginia Department of Planning and Budget
FROM: Lilian Peake, Director, Office of Epidemiology
DATE: October 8, 2019
RE: Economic impact analysis for the regulations to address COVID-19 reporting requirements in 12VAC5-90.

SUBJECT: Board of Health Regulations Disease Reporting and Control Regulations Action 5581, Stage 9399.

The Virginia Department of Health agrees with the findings of the Economic Impact Analysis (EIA), with two caveats described below.

The EIA prepared by the Virginia Department of Planning and Budget for the proposed stage amendment to the Disease Reporting and Control Regulations, 12VAC5-90, (Regulations) states that “the Board proposes to remove the requirement to report negative COVID-19 tests”. This statement is true; however, the Virginia Department of Health (VDH) would like to clarify that this continues to be a federal reporting requirement in the CARES Act and all laboratories, including those with CLIA waivers, will be required to continue reporting negative COVID-19 test results until the federal requirement is removed

Further, the EIA indicates that an “indirect cost of the proposed amendments, therefore, relates to individuals’ data privacy and the risk that one’s personal biographical details, contact details, and health information may be accessed by unauthorized persons or entities and/or used for nefarious purpose”. Data reported to VDH related to these regulations are required to be kept confidential per Code of Virginia section 32.1-36, 32.-38, and 32.1-41. Further, all of our data systems are compliant with Commonwealth of Virginia security standards. With these controls in place, risk addressed here is extremely minimal.