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Periodic Review Report of Findings

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC5-90
Regulation title	Disease Reporting and Control
Date this document prepared	September 30, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

No acronyms are used.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Chapter 2 of Title 32.1 of the Code of Virginia, § 32.1-12 and 32.1-35 through 32.1-73, contains mandatory language authorizing the State Board of Health to promulgate regulations.

Specifically, § 32.1-35 directs the Board of Health to promulgate regulations specifying which diseases occurring in the Commonwealth are to be reportable and the method by which they are to be reported.

Further, § 32.1-42 of the Code of Virginia authorizes the Board of Health to promulgate regulations and orders to prevent a potential emergency caused by a disease dangerous to public health. The Board of Health is empowered to adopt such regulations as are necessary to carry out provisions of laws of the Commonwealth administered by the state health commissioner by § 32.1-12 of the Code of Virginia.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

In light of the clear, specific and mandatory authority of the State Board of Health to promulgate the Disease Reporting and Control Regulations, no alternatives are available that are advisable.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulations described in 12VAC5-90 protect the public health, safety, and welfare of individuals in the Commonwealth of Virginia by ensuring that there is a uniform process for reporting diseases of public health importance occurring within the Commonwealth of Virginia so that appropriate control measures may be instituted to reduce the occurrence of disease.

The regulations set clear guidance for all providers and healthcare entities on the appropriate procedures to follow when certain diseases are suspected or identified and clearly defines the protocol that the Virginia Department of Health will follow to control or contain the disease in the interest of public safety.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Virginia Department of Health will amend the Disease Reporting and Control Regulations through the issuance of a Fast-Track regulatory action. The regulations will be amended to align the regulations with recommendations put forth by the Centers for Disease Control and Prevention related to the treatment of ophthalmia neonatorum.

Additionally, the agency is currently reviewing the process for determining what diseases to include in the reportable disease list found in 12VAC5-90-80.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, 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 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. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation as it is essential to outline the protocols for disease reporting and control in the Commonwealth of Virginia, as required by Chapter 2 of Title 32.1 of the Code of Virginia, § 32.1-12 and 32.1-35 through 32.1-73.

The agency did not receive any complaints or comments from the public during the periodic review.

The regulation is clearly written and easily understandable.

The regulation does not overlap, duplicate, or conflict with any other federal or state law or regulation.

The regulation was last updated in 2019 through a Fast-Track regulatory action to address changes in public health practice.

Retaining the regulations does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.