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## Periodic Review Report of Findings

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12VAC5-115
<b>Regulation title</b>	Virginia Immunization Information System
<b>Date this document prepared</b>	September 20, 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.*

VIIS – Virginia Immunization Information System

## 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, § 32.1-46.01, contains mandatory language authorizing the State Board of Health to promulgate regulations to implement the VIIS.

### 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 VIIS 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 12VAC5-115 protect the public health, safety, and welfare of individuals in the Commonwealth of Virginia by ensuring that public health information associated with immunization records is kept in an efficient, inclusive, and secure system.

The regulations set clear guidance for all providers and healthcare entities on the appropriate use of the VIIS by defining protocols related to authorized participants, registration procedures, patient confidentiality, security, data entry and quality assurance, data release, data access, and updated forms.

### 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).*

Following the periodic review of the regulations, the State Board of Health finds that 12VAC5-115 provides accurate and clear guidance for the use of VIIS and shall be retained as is without changes.

## 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.*

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There is a continued need for the regulation as it is essential to outline the protocols for the VIIS, as required by Chapter 2 of Title 32.1 of the Code of Virginia, § 32.1-46.01.

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 2015, which is when they were created through the Final Stage of the NOIRA process.

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