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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	12VAC5-90
<b>VAC Chapter title(s)</b>	Disease Reporting and Control
<b>Date this document prepared</b>	2/28/2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

No acronyms are used.

### Legal Basis

*Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency'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 to Regulation**

*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**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. 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 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, 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**

*Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

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The Virginia Department of Health will amend the Disease Reporting and Control Regulations through the issuance of a regulatory action. 12VAC5-90 will be amended to align the regulations with the *Code of Virginia*, current disease reporting and control recommendations put forth by the Centers for Disease Control and Prevention, the Virginia Register of Regulations Style Guide, and regulatory reduction where possible.

Additionally, the agency will update the regulations to ensure they are compliant with current practice in the field of communicable disease detection and control, provide maximum flexibility with respect to reporting requirements, and regulatory reduction where possible.

### **Small Business Impact**

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 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 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 comments or concerns 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 2023 through an Emergency Update regulatory action to address changes in public health practice related to COVID-19.

The periodic review decision to amend the regulations does not cause an adverse economic impact on small businesses in the Commonwealth of Virginia.

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