



Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12 VAC 5 - 105
Regulation title	Rabies Regulations
Action title	Rabies response, prevention, and control regulations.
Date this document prepared	4/3/2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Virginia Department of Health, in collaboration with numerous stakeholder groups, has developed proposed regulatory language to support the implementation of five rabies-related sections of the Code of Virginia. The proposed language defines common terms and addresses the procedure for rabies vaccination exemptions, the development of a rabies response plan by local health departments, and recordkeeping associated with rabies clinics.

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 or board taking the action, and (3) the title of the regulation.

The State Board of Health approved the final Regulations on June 5, 2014.

Legal Basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

In 2010, five rabies-related sections of the Code of Virginia (§§ 3.2-6521, 3.2-6522, 3.2-6525, 18.2-313.1, and 54.1-3812) were amended. In addition, a rabies-related section (§ 3.2-6562.1) was added to the *Code of Virginia*. As part of this action, the State Board of Health was directed to promulgate regulations to implement provisions of the act that became effective on July 1, 2010.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This regulatory action provides language to support the implementation of rabies-related sections of the *Code*. The proposed language specifically addresses rabies vaccination exemptions and provides a model rabies response plan. It was developed in cooperation with stakeholders such as local health departments, animal control agencies, veterinary associations, humane groups, wildlife agencies, agriculture agencies, the Board of Veterinary Medicine, and local government associations. These stakeholders were engaged to discuss issues such as the entity that grants rabies exemptions and restrictions placed on animals that are exempt, as well as the authority local health directors have to direct animal control officers in the pursuit of their duties in certain circumstances. The intent of the collaborative approach is proposed language that is clearly written, understandable, and functional for all those involved in rabies prevention, control, and response efforts.

Goals of the proposed language include: (i) to define commonly used terms in the rabies-related sections of the *Code of Virginia* to increase the likelihood these terms would be interpreted and applied in a consistent way, (ii) to improve the recordkeeping associated with rabies clinics to increase the likelihood that an animal's vaccinations status can be verified in response to a rabies exposure, (iii) to outline the procedure a veterinarian must use to apply for a rabies vaccination exemption and the role of local authorities in that process, and (iv) to offer a model rabies response plan that localities may use to comply with § 3.2-6562.1 of the *Code of Virginia*.

These regulations are essential to protect public health and welfare. Rabies is nearly 100 percent fatal and is highly endemic in the Commonwealth. It is very important that human and animal exposures are addressed promptly and correctly.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The provisions in these new regulations address defining commonly used terms in the rabies-related sections of the *Code of Virginia*; the health department's recordkeeping responsibilities associated with

rabies clinics; establishing a mechanism whereby dogs and cats may be granted a rabies vaccination exemption; and communication and coordination among local government authorities in response to rabies exposure events. These provisions fulfill the requirement, as enacted by the 2010 General Assembly, for the Board of Health to develop a model plan that may be used by localities to comply with the requirements of § 3.2-6562.1.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantages to individual private citizens, veterinarians in private practice, and the Commonwealth include: (i) promoting the application and interpretation of terms used in the rabies-related sections of the *Code of Virginia* in a consistent way across all local health districts, (ii) improving the ability to verify rabies vaccination status of animals vaccinated during rabies clinics, (iii) providing a mechanism for granting rabies vaccination exemptions when appropriate while remaining in compliance with local licensing laws and protecting public health and (iv) improving coordination and communication among local government authorities in response to rabies exposure events. A potential disadvantage involves the amount of time and effort veterinarians in private practice may need to complete the application for vaccination exemption.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section Number	Requirement at Proposed Stage	What has Changed	Rationale for Change
<u>12VAC5-105-40</u>	12VAC5-105-40 B Section VII A	<u>A. LHD Environmental Health Staff. [LHD] Environmental health staff members are primarily responsible for the following activities in regard to companion animal and human rabies exposure response:</u>	The acronym “LHD” was added at the beginning of the sentence for consistency with other sections.
<u>12VAC5-105-40</u>	12VAC5-105-40 B Section VII A	<u>9. Notifying any human exposure victims of positive results within two hours of receiving the result and referringreferring the victim to the LHD nursing staff in regard to PEP treatment options.</u>	The typographical error for the word “referring” was corrected.

Section Number	Requirement at Proposed Stage	What has Changed	Rationale for Change
12VAC5-105-40	12VAC5-105-40 B Section VII C	<p>C. [Locality]LHD} Epidemiology Staff. [Locality]LHD} epidemiology staff members are primarily responsible for [the following activities in regard to companion animal and human rabies exposure response:</p> <p>1. Collecting collecting] and maintaining the following data in coordination/consultation with the environmental health staff and nursing staff for animal exposures/bites, animal bites to humans, and other human exposures:</p> <p>[21]. Demographics of person exposed;</p> <p>[32]. Information about the animal and its owner;</p> <p>[43]. Details of exposure;</p> <p>[54]. PEP recommendations and actions;</p> <p>[65]. Animal euthanasia secondary to suspect rabies; and</p> <p>[76]. Animal quarantine or confinement</p>	<p>The word “locality” was used in error when the acronym for local health department (LHD) is used throughout the model plan in association with the various local health department representatives involved in rabies response.</p> <p>The typographical errors in the numbering within Section C were corrected to reflect accepted regulatory text style.</p>

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

No public comment received.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current Requirement	Proposed change and rationale
n/a	2VAC5-105-10. Definitions	none	This section defines common terms contained in the <i>Code of Virginia</i> . These terms used in, or applicable to, rabies-related sections of the <i>Code of Virginia</i> are not found in the definitions section of the <i>Code of Virginia's</i> comprehensive animal laws (§ 3.2-6500). All of these or similar terms are used in the <i>Code of Virginia</i> , and defining them will increase the likelihood they would be interpreted and applied in a consistent way. The language used in the proposed regulations supports current agency interpretations of these terms.
n/a	12VAC5-105-20. Rabies clinics	none	This new regulation instructs the local health departments to maintain for 48 months information about rabies clinics held with the approval of the local governing body. Although the <i>Code of Virginia's</i> comprehensive animal laws (§ 3.2-6521), in part, address rabies clinics and the recordkeeping responsibilities of other stakeholders involved in these clinics, this new regulation will increase the likelihood that vaccination status and/or history through rabies clinics is verifiable.

Current section number	Proposed new section number, if applicable	Current Requirement	Proposed change and rationale
n/a	12VAC5-105-30. Rabies vaccine exemptions	none	<p>The <i>Code of Virginia's</i> comprehensive animal laws (§ 3.2-6521) require owners to have their dogs and cats 4 months of age and older vaccinated. In some cases, a dog or cat is likely to have a life threatening reaction in response to vaccination. This new regulation instructs the Board of Health to provide an exemption to the vaccination requirement provided it would not present a risk to public health and safety. Veterinarians, as well as dog and cat owners, may be impacted in regard to the time and effort needed to apply for an exemption.</p>
n/a	12VAC5-105-40. Model plan for localities	none	<p>The <i>Code of Virginia's</i> comprehensive animal laws (§ 3.2-6521) require localities to adopt a plan for controlling and responding to the risk of rabies exposure to persons and companion animals. This new regulation provides a model plan for local health departments to use for effective coordination and communication with local government authorities during response to rabies exposure-related events. In addition, it ensures residents receive timely and accurate guidance about rabies.</p>