



Virginia  
Regulatory  
Town Hall

## Emergency Regulation Agency Background Document

<b>Agency Name:</b>	Department of Health (State Board of)
<b>VAC Chapter Number:</b>	12 VAC 5-90-80
<b>Regulation Title:</b>	Regulations for Disease Reporting and Control
<b>Action Title:</b>	Emergency Action to add SARS as a Reportable Disease
<b>Date:</b>	April 18, 2003

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

### Emergency Preamble

*Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).*

*Please include a brief summary of the emergency action. There is no need to state each provision or amendment.*

**The emergency regulation is necessary due to an *imminent threat to public health*. Severe acute respiratory syndrome (SARS) is a new communicable disease that has affected over 3,000 people worldwide, with 200 suspect cases in the United States, including six in Virginia. Each case needs to immediately come to the attention of the health department to ensure that measures are put in place to prevent the spread of this disease to others.**

The Asian and Canadian experiences have demonstrated that if a person with SARS is not properly isolated, dozens of others can become ill and hundreds may need to have restrictions placed on their usual activities. SARS can cause serious and life-threatening disease. The

emergency action amends 12 VAC 5-90-80, the reportable disease list from the Regulations for Disease Reporting and Control, to add “severe acute respiratory syndrome (SARS)” to the list, thereby making this a reportable condition in Virginia and allowing the Virginia Department of Health to track and respond to SARS cases.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.*

*Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.*

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Authority exists under 2.2-4011 of the Code of Virginia in that a situation exists involving an imminent threat to public health. The Virginia Department of Health needs to be notified of every potential case of SARS in Virginia in order to ensure that the ill individual and the persons who care for or live with him follow proper guidelines to prevent the spread of the disease. The Health Department assesses each reported case to determine if the criteria for SARS are met, consults with the Centers for Disease Control and Prevention, advises on clinical specimens that need to be obtained for laboratory testing, and ensures proper infection control procedures are put in place. These steps are put in place upon notification of the existence of a possible case, and such notification needs to occur rapidly.

## Substance

*Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.*

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The emergency action amends 12 VAC 5-90-80, the reportable disease list from the Regulations for Disease Reporting and Control, to add “severe acute respiratory syndrome (SARS)” to the list, thereby making this a reportable condition in Virginia. The condition has similarly been added to the list of diseases requiring rapid reporting so that the Department will be in a position to respond as quickly as possible to prevent illness due to SARS. The reportable disease list is the mechanism used by the Virginia Department of Health to gather information about conditions affecting the health of citizens of the Commonwealth.

This regulatory action will position the Department to monitor the occurrence of SARS in Virginia and ensure that measures are taken to protect the health of those with the illness and their close contacts.

**Alternatives**

*Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.*

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Declaring SARS as reportable is the only available mechanism to ensure that information about persons who may have this illness is brought to the attention of the Department. There is no alternative that will enable the Department to respond adequately to this emerging and dangerous disease. The Department will, in turn, ensure that appropriate procedures and precautions are instituted.

**Family Impact Statement**

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

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No longer required by executive order.