



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Health, Office of Epidemiology
Virginia Administrative Code (VAC) citation	12 VAC 5-110
Regulation title	Regulations for the Immunization of School Children
Action title	Update of the Regulations
Date this document prepared	September 6, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The existing regulations will be updated to comply with legislation enacted by the 2006 and 2007 Virginia General Assemblies and to comply with current immunization practices as recommended by the Advisory Committee for Immunization Practices, the American Academy of Pediatrics and the American Academy of Family Physicians.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Statutory authority to promulgate these regulations is granted to the State Board of Health by section §32.1-46 of the Code of Virginia

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Regulations are necessary to ensure children are protected to the extent possible from vaccine-preventable diseases and to indirectly protect the health of all citizens of Virginia. Legislation enacted by the 2006 Virginia General Assembly requires the regulations to be updated to reflect current immunization recommendations and also added two new required vaccines. Legislation enacted by the 2007 Virginia General Assembly added an additional new vaccine requirement. The regulations must be amended to bring them into conformance with the new legislation and with any legislation that may be introduced in 2008.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

Amendments to the current regulations will:

- Update and clarify definitions;
- Update childhood immunizations required for attendance at Virginia schools and day cares to include additional required vaccines and reflect current recommended immunization practices;
- Add requirements for demonstrating existing immunity to varicella;
- Update responsibilities of admitting officials; and,
- Respond to any legislation enacted by the 2008 Virginia General Assembly

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

Existing regulations require amendment from time to time in order to protect public health through appropriate immunizations. These regulations are being amended to reflect current knowledge and recommendations in order to effectively carry out the Board's disease-related mission. No feasible alternatives exist.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to, ideas to assist in the development of a proposal.

Anyone wishing to submit written comments may do so by mail, email or fax to Sandra R. Sommer, PhD, 109 Governor Street, Room 314 West, Richmond, Virginia 23219; phone (804) 864-8055; fax (804) 864-8089; or sandra.sommer@vdh.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

In addition, the agency is seeking information on (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) 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.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency is not using the participatory approach.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory 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.

The proposed changes will protect and improve the health of the people of the Commonwealth. No adverse impact on the institution of the family or family stability is anticipated.