



DIVISION OF PUBLIC & BEHAVIORAL HEALTH

Child, Family, and Community Wellness

Nevada State Immunization Program

LCB File No. R046-20

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation;

Children who are not properly vaccinated are at risk for disease and can spread vaccine-preventable disease to others, including the medically vulnerable who are unable to receive the appropriate immunizations. Improving the process by which exemptions are filed, by developing and requiring a standardized form to be used statewide, can help ensure schools, licensed child care facilities, and universities in Nevada to quickly identify which students are exempt; this knowledge is extremely important for school staff during a vaccine-preventable disease outbreak, as good immunization record-keeping helps protect all students, faculty, and staff at the facility. An opportunity for improvement exists to incorporate the standardized forms into the electronic registry systems used by academic institutions.

Additionally, a standardized process with more robust record-keeping system will generally lead to decreased exemption rates and concurrent increased immunization coverage, as schools can help families track student immunization compliance. Schools and licensed child care facilities have reported to the Nevada State Immunization Program that the use of standardized forms to track and file exemptions would help reduce some of the administrative burden related to registering/enrolling student(s) each year, as well as help during a potential outbreak situation. In general, the cost of controlling large outbreaks due to a vaccine-preventable disease can be substantial. Any method of prevention should be explored and appropriately utilized.

To provide parity with the annual renewal requirement related to religious and temporary medical exemptions, it is recommended that authority be added to monitor the use of permanent medical exemptions which have been signed by a medical doctor, doctor of osteopathic medicine, or an advanced practice registered nurse. As experienced by other states strengthening the exemption process for non-medical exemptions, when a process/procedure adds a burden to the requestor, the risk of exploitation increases. Therefore, granting the local health officer, under the direction and supervision of the State's Chief Medical Officer, the ability to audit medical exemptions at their discretion for proper use becomes imperative to maintain the integrity of the medical exemption process and Nevada's public health laws.

Lastly, these regulations will add the second dose of immunization against *Neisseria meningitidis* (e.g., meningococcal disease or meningitis) as a requirement for 12th grade public and private school enrollment in Nevada. As meningitis is a serious communicable disease among adolescents, it is important Nevada students receive age-appropriate protection through vaccination prior to entering school. A 12th grade entry requirement is consistent with Centers for Disease Control and Prevention (CDC) dosing recommendations at 16 years if the student received the first dose upon 7th grade entry.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary;

The Division of Public and Behavioral Health presented several opportunities for the public, regulated community, licensees, registrants and stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small business and the public. A Small Business Impact Questionnaire was emailed to childcare facilities and private and charter schools, and other registrants on July 9, 2020. Of approximately 985 Small Business Impact Questionnaires distributed, 19 responses were received. One respondent indicated that there was a general adverse economic impact on business and four respondents indicated that there was a general indirect adverse effect on business. One respondent was concerned about the challenges of immunizing students who are ≥ 17 years old and no longer living with their parents; if those students were unable to attend school, the school would experience a profit loss. Another was concerned about how different facilities would implement the law driving parents to prefer one facility over another.

A Public Workshop was conducted on October 2, 2020 by means of teleconference and virtual platform to allow for further input by the public and regulated community regarding the proposed regulations and how they will impact small businesses. There were 29 participants in attendance. There were 6 participants who made public comment. Written comment was received from the public. A summary of comments follows:

- Public comment relating to support of the proposed regulations because all children have the right to be safe in school, childcare, and in the community.
- Public comment relating to ensuring we can do all we are able to ensure overall public health of Nevadans.
- Public comment in support of the regulations.
- Public comment relating to the lifesaving, evidence-based science of immunizations.
- Public comment relating to ensuring schools have the flexibility to set their own exemption renewal dates.
- Public comment relating to the belief that parents should have the ability to submit the form once and not every year.

All comments were taken into consideration.

The proposed regulations in LCB File No. R043-20 were posted on the Division's website with a link provided in the questionnaire. Interested persons can obtain a copy of the Small Business Impact Statement by contacting the Nevada State Immunization Program (NSIP) at (775) 684-5900 in Carson City or by utilizing the link below to our website. http://dpbh.nv.gov/Programs/SIP/dta/Statutes/IZ_Regulations/

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:

Public Workshop – October 2, 2020

A total of twenty-nine (29) individuals attended the public workshop via teleconference. Of those, no individuals were opposed, and six stated they were in support. The remaining individuals did not indicate whether they were in support or opposed to the proposed regulations.

Please see attached public workshop attendance sheet for name, entity or organization represented, and electronic mail address.

Public Hearing – December 10, 2020

Fifty-three (53) participants joined the call but as there were other agenda items on the State Board of Health meeting it is unknown if all participants called in for LCB File No. R046-20.

No one testified in opposition to the adopted regulations.

4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Public Workshop:

Nevada Division of Public and Behavioral Health (DPBH) Immunization Program held a Public Workshop on October 2, 2020 to allow for further input by the public and regulated community regarding the proposed regulations prescribed in LCB File No R046-20. The workshop was held via teleconference only pursuant to Governor Sisolak’s March 22, 2020, Declaration of Emergency Directive 006, suspending the requirement contained in NRS 241.023(1)(b) that there be a physical location, in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). There were 29 participants. Written comment was received from the public. Verbal comment was received from six members of the public listed below.

1. Heidi Parker
(775) 624-7117
heidi@immunizenevada.org
Immunize Nevada
2. Jimmy Lau
(702) 927-3742
jimmy@ferraripa.com
Ferrari Public Affairs
3. Jody Daniels
(503)-951-0693
Jody.Daniels@gsk.com
GlaxoSmith Kline
4. Joelle Gutman-Dodson
JGutman@washoecounty.us
Washoe County Health District
5. Sheri McPartlin
Clark County School District

- 6. Lara Allen
Member of the public

Board of Health Public Hearing:

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing at 9:00 a.m. on December 10, 2020, via videoconference. The purpose of the hearing is to receive comments from all interested persons regarding to the amendment of regulations that pertain to Chapters 392, 394, 432A, and 441A of Nevada Administrative Code (NAC), LCB File Number R046-20. This public hearing is to be held in conjunction with the State Board of Health meeting on December 10, 2020, via videoconference only pursuant to Governor Sisolak’s March 22, 2020, Declaration of Emergency Directive 006, suspending the requirement contained in NRS 241.023(1)(b) that there be a physical location, in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus).

Pursuant to NRS 233B.0608(2)(a), the Division of Public and Behavioral Health requested input from stakeholders, small businesses, registrants and licensees that are likely to be affected by the proposed regulations. A Small Business Impact Questionnaire utilizing Survey Monkey was emailed to approximately 3146 licensees and registrants of the Radiation Control Program along with a website link to the proposed regulation changes, on March 23, 2020. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary of Comments Received			
There were 19 responses received out of 985 small business impact questionnaires distributed			
(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
1- “Yes” Responses	2- “Yes” Responses	4- “Yes” Responses	1- “Yes” Responses
18- “No” Responses	17- “No” Responses	15- “No” Responses	18- “No” Responses

Comments (Q#1):

- High school dropouts would be hard to be vaccinated and could result in revenue loss.
- Hard to know impact in a small town.

Comments (Q#2):

- Hard to know impact in a small town.

Comments (Q#3):

- Regulation unfair for at-risk youth, has potential to lead to higher number of students who drop out of high school
- Hard to know impact in a small town.
- Time spent with auditor.
- Annual medical exemptions could be hard for medical providers to handle.

Comments (Q#4):

5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.
 - a. The Immunization Program did not revise regulations because the comments received didn't directly apply to the regulations as proposed.
6. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - (a) Both adverse effects: None
 - (b) Beneficial effects: Increased public health and safety.
 - (c) Both immediate and long-term effects: Increased public health and safety.
7. The estimated cost to the agency for enforcement of the proposed regulation.

There is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. Enforcement of the proposed regulations will be incorporated into current administrative, registration, licensing and inspection processes.
8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

None
9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions; and

None

10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

Not applicable

NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).