

## DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

September 14, 2016

LCB File No. R052-16

### Informational Statement per NRS 233B.066

**1. A clear and concise description of the need for the adopted regulation.**

The purpose of the proposed amendments to NAC 392.105, 394.250 and 441A.755 is to add immunization against *Neisseria meningitidis* (e.g., meningococcal disease or meningitis) as a requirement for 7<sup>th</sup> 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 7<sup>th</sup> grade entry requirement is consistent with Centers for Disease Control and Prevention (CDC) dosing recommendations at 11-12 years. An amendment will also change the college immunization requirements for *N. meningitidis* to remove the “on-campus housing” stipulation. All college students have a greater risk for encountering and contracting meningococcal disease than the general population, regardless of their housing situation; therefore, all incoming college students should receive age-appropriate meningococcal vaccination prior to attendance.

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

On May 9, 2016 a Small Business Impact Questionnaire, along with a copy of the proposed regulation changes, was sent to each public school district, private school and university statewide. Of the nine (9) responses received, seven (7) had no comment to any adverse or beneficial impact. One respondent indicated an adverse economic effect upon their business; they estimate they may lose tuition for up to two students due to the new requirement. Another respondent indicated an adverse economic effect due to additional staffing costs to comply with screening student records, as well as their personal belief that vaccines are not advisable. The Division of Public and Behavioral Health used methods to reduce the impact of proposed regulations on small business including discussions with stakeholders, parent and provider focus groups, and distribution of the small business impact questionnaire to gather input from stakeholders on how the proposed regulation(s) may impact their business. No modifications to the proposed regulations have been made as a result of this input. The Division has determined any adverse impact upon small businesses would be negligible to non-existent.

One public workshop was held on the proposed regulations on June 30, 2016 at the Division of Public and Behavioral Health located at 4150 Technology Way, Hearing Room 303, Carson City; video conferenced to the Desert Meadow Area Health Education Center in Las Vegas at 3050 E. Flamingo Rd.; and a teleconference line was available for all other commenters. One verbal statement of support was received during the public workshop, and

three letters of support were received via e-mail prior to the workshop. No opposition was received during the public workshop, either verbally or in writing. No recommendations for language changes were received during the public workshop or in writing. Interested parties may obtain copies of the Small Business Impact Statement and/or the Public Workshop minutes by contacting Virginia Lee, Immunization Program Administrative Assistant at (775) 684-5900 or vlee@health.nv.gov; or they can be downloaded from the Immunization Program website at [http://dpbh.nv.gov/Programs/SIP/dta/School\\_Requirements/School\\_Requirements/](http://dpbh.nv.gov/Programs/SIP/dta/School_Requirements/School_Requirements/).

A summary of the hearing for amendment of Nevada Administrative Code (NAC) 392.105, 394.250 and 441A.755, LCB File #No. R052-16 and errata, can be obtained by contacting the State Board of Health, through the Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, Nevada 89706, phone: (775) 684-4200, fax: (775) 684-4211.

- 3. The number of persons who: (1) attended each hearing; (2) testified at each hearing; and (3) submitted to the agency written statements. For each person identified in (2) and (3), the following information if provided to the agency conducting the hearing: name, telephone number, business address, business telephone, e-mail address and name of entity/organization represented.**

For a detailed list of attendees at the Public Workshop, please see the attached sign-in sheet and workshop minutes. Workshop minutes can also be viewed online at the following website: [http://dpbh.nv.gov/Programs/SIP/dta/School\\_Requirements/School\\_Requirements/](http://dpbh.nv.gov/Programs/SIP/dta/School_Requirements/School_Requirements/). Four (4) organizations submitted written letters of support: Washoe County Health District, Immunize Nevada, GlaxoSmithKline, and the Nevada Statewide Maternal and Child Health (MCH) Coalition.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No written opposition was submitted. After consideration of public comment, the regulation was adopted without changing any of the proposed language. No changes to language were recommended by any stakeholder group and no public opposition was heard regarding the language. Therefore, the Division recommends adopting the proposed regulation amendment as presented in LCB File No. R052-16.

- 5. The estimated economic effect of the regulation on (the business which it is to regulate) schools and universities:**

- a. The beneficial effect of these regulations is to reduce vaccine-preventable morbidity and mortality in school-age and college-age populations. The adverse effects for businesses include additional staff time to check for the newly required immunization and possible increased record-keeping requirements for the State's two Universities. The adverse effects are expected to be minimal, as student records are currently being assessed and stored at Nevada primary schools and within the Universities for all other required immunizations.
- b. The regulation will not go into effect immediately. The proposed vaccine addition would become compulsory for school entry beginning with the 2017 school year. The immediate effect would be mass communication and education for school/university

nurses and registrars as well as to prepare healthcare providers. The long term effect will be sustained increases in vaccine coverage for the meningococcal conjugate vaccine for the most at-risk age groups in Nevada.

**6. The estimated economic effect of the regulation on the public:**

- a. The beneficial effect of these regulations is to reduce vaccine-preventable morbidity and mortality in school-age and college-age populations. The adverse effects for the public may include delayed enrollment into school in order for the child to receive the newly required vaccine. However, this adverse effect should be mitigated by early public education campaigns.
- b. The immediate effect would be mass communication and education to parents of those students that would be entering 7<sup>th</sup> grade in Fall 2017. The long term effect will be sustained increases in vaccine coverage for the meningococcal conjugate vaccine for the most at-risk age groups in Nevada.

**7. The estimated cost to the agency for enforcement of the proposed regulation.**

There is no estimated cost to the agency for enforcement of the proposed regulation.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The proposed regulation amendment does not include provisions which are more stringent than existing federal regulations. The proposed regulation amendment also does not represent duplication of any local, State or Federal standards.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

There is no fee or increased fee associated with the proposed regulation.