PROPOSED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R052-16

May 4, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 392.435 and 439.200; §2, NRS 394.192 and 439.200; §3, NRS 441A.120.

A REGULATION relating to communicable diseases; prohibiting a child from being enrolled in grade 7 in a public or private school unless the child has been immunized against *Neisseria meningitidis* after he or she obtained 10 years of age; prohibiting certain persons from attending a university until the person submits to the university proof of immunity to *Neisseria meningitidis*; providing exceptions to such prohibitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Health to adopt regulations to define and control dangerous communicable diseases. (NRS 439.200)

Existing law generally requires that a child be immunized against certain diseases, including, without limitation, such diseases as the Board or the local board of health may determine, before enrollment in a public or private school. (NRS 392.435, 394.192)

Existing regulations categorize certain diseases as communicable diseases and set forth requirements concerning a child's immunization against such diseases for the purpose of enrollment in a public or private school. (NAC 392.105, 394.250) **Sections 1 and 2** of this regulation categorize *Neisseria meningitidis* as a communicable disease and provide that a child may not be enrolled in grade 7 in a public or private school, respectively, after June 30, 2017, unless the child has been immunized against *Neisseria meningitidis* after he or she obtained 10 years of age. **Sections 1 and 2** further provide that such a requirement does not apply to a child who is excused because of religious belief or medical condition or who is enrolled in a public or private school, respectively, before July 1, 2009.

Existing law requires the Board to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120)

Existing regulations prohibit, with certain exceptions, a person who is less than 23 years of age and is enrolled as a freshman at a university from residing in on-campus housing after

September 1, 2008, until he or she submits to the university proof of immunity to *Neisseria meningitidis*. (NAC 441A.755) **Section 3** of this regulation instead prohibits such a person from attending a university until he or she submits proof to the university of such immunity. **Section 3** also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish the immunization schedule required for admission of such a person.

Section 1. NAC 392.105 is hereby amended to read as follows:

392.105 1. The State Board of Health hereby declares the diseases of:

(a) Mumps;

(b) Hepatitis A;

(c) Hepatitis B;

(d) Varicella; ~~[and]~~

(e) Bordetella pertussis if a child is 6 years of age or older ~~[,]~~ ***; and***

(f) Neisseria meningitidis,

➥ to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State unless the child has been immunized against the mumps.

3. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State:

(a) After June 30, 2002, unless the child has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless the child has been immunized against varicella.

4. Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child

must receive at least one dose of a vaccine against Bordetella pertussis after he or she obtained 10 years of age.

5. ***Except as otherwise provided in subsection 6, unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2017, unless the child has been immunized against Neisseria meningitidis after he or she obtained 10 years of age.***

6. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2002. ~~[; and]~~

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2003.

(c) Subsection 5 do not apply to a child who is enrolled in a public school in this State before July 1, 2009.

Sec. 2. NAC 394.250 is hereby amended to read as follows:

394.250 1. The State Board of Health hereby declares the diseases of:

(a) Mumps;

(b) Hepatitis A;

(c) Hepatitis B;

(d) Varicella; ~~[and]~~

(e) Bordetella pertussis if a child is 6 years of age or older ~~[.]~~ ***; and***

(f) Neisseria meningitidis,

➥ to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this State unless the child has been immunized against the mumps.

3. Except as otherwise provided in subsection ~~[5,]~~ *6,* unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this State:

(a) After June 30, 2002, unless the child has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless the child has been immunized against varicella.

4. Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a private school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child must receive at least one dose of a vaccine against Bordetella pertussis after he or she obtained 10 years of age.

5. ***Except as otherwise provided in subsection 6, unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a private school in this State after June 30, 2017, unless the child has been immunized against Neisseria meningitidis after he or she obtained 10 years of age.***

6. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a private school in this State before July 1, 2002. ~~[; and]~~

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a private school in this State before July 1, 2003.

(c) Subsection 5 do not apply to a child who is enrolled in a private school in this State before July 1, 2009.

Sec. 3. NAC 441A.755 is hereby amended to read as follows:

441A.755 1. Except as otherwise provided in subsection 10 or unless excused because of religious belief or medical condition, a person shall not attend a university until he or she submits to the university proof of immunity to tetanus, diphtheria, measles, mumps, rubella and any other disease specified by the State Board of Health. The Division shall establish the immunization schedule required for admission of the student.

2. Except as otherwise provided in subsection 10 or unless excused because of religious belief or medical condition, a person who:

(a) Is less than 23 years of age; and

(b) Is enrolled as a freshman;

➥ shall not ~~[reside in on-campus housing after September 1, 2008,]~~ ***attend a university*** until he or she submits to the university proof of immunity to *Neisseria meningitidis*. ***The Division shall establish the immunization schedule required for admission of the student.***

3. A student may enroll in the university conditionally if the student, or if the student is a minor, the parent or legal guardian of the student, submits a record of immunization stating that the student is in the process of obtaining the required immunizations, and that record shows that the student has made satisfactory progress toward obtaining those immunizations.

4. The university shall retain the proof of immunity on a computerized record or on a form provided by the Division.

5. The university shall not refuse to enroll a student because he or she has not been immunized if the student, or if the student is a minor, the parent or legal guardian of the student, has submitted to the university a written statement indicating that his or her religious belief prohibits immunizations. The university shall keep the statement on file.

6. If the medical condition of a student does not permit him or her to be immunized to the extent required, the student, or if the student is a minor, the parent or legal guardian of the student, must submit to the university a statement of that fact written by a licensed physician. The university shall keep the statement on file.

7. If additional requirements of immunity are imposed by law after a student has been enrolled in the university, the student, or if the student is a minor, the parent or legal guardian of the student, shall submit an additional proof of immunity to the university stating that the student has met the new requirements of immunity.

8. If the health authority determines that, at the university, there is a case having a communicable disease against which immunity is required for admission to the university, and a student who has not submitted proof of immunity to that disease is attending that university, the president of the university shall require that:

(a) The student be immunized; or

(b) The student be excluded from the university until allowed to return by the health authority.

9. A student shall not attend a university from which he or she is excluded until allowed to return by the health authority. The parent or legal guardian of a student, if the student is a minor, shall not allow the student to attend a university from which he or she is excluded until allowed to return by the health authority.

10. Any student who is enrolled in a program of distance education and who does not attend a class on campus is exempt from the requirements of this section.

11. As used in this section:

(a) "On-campus housing" means a dormitory or other student residence that is owned, operated by or located on the campus of a university.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

(c) "University" means any university within the Nevada System of Higher Education or any private postsecondary educational institution that provides on-campus housing.

SMALL BUSINESS IMPACT STATEMENT 2016
PROPOSED AMENDMENTS TO NACs 392.105, 394.250 and 441A.755

LCB FILE NO. R052-16

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not impose an undue economic burden upon a small business or have a negative impact on the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609.

Background

Existing law authorizes the State Board of Health to adopt regulations to define and control dangerous communicable diseases. Existing law generally requires that a child be immunized against certain diseases, including, without limitation, such diseases as the Board of Health may determine, before enrollment in a public or private school. The key items the proposed regulation includes are as follows:

- Categorizes *Neisseria meningitidis* as a communicable disease;
- Prohibits a child from being enrolled in grade 7 in a public or private school unless immunized against *N. meningitidis* after he or she obtained 10 years or age;
- Prohibits certain persons from attending a university until the person submits to the university proof of immunity to *N. meningitidis*;
- Requires the Division of Public and Behavioral Health to establish the immunization schedule required for admission to a university; and
- Provides exceptions to such prohibitions.

1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2) (a), the Division of Public and Behavioral Health has requested input from each public school district, private school and university in Nevada.

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. 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 Small Business Impact Questionnaire Responses 9 responses (5 private schools, 1 university, 3 public school districts) were received out of 171 small business impact questionnaires distributed					
How many employees are currently employed by your business?	**Will a specific regulation have an adverse economic effect upon your business?**	**Will the regulation(s) have any beneficial effect upon your business?**	**Do you anticipate any indirect adverse effects upon your business?**	**Do you anticipate any indirect beneficial effects upon your business?**	**Comments**
> 4,000	N/A	N/A	N/A	N/A	None
> 1,000	N/A	N/A	N/A	N/A	None
892	N/A	N/A	N/A	N/A	None
1,100	N/A	N/A	N/A	N/A	None
321	N/A	N/A	N/A	N/A	None
8	Yes	No	Yes	No	Adverse Economic Effect: Estimate we would lose or fail to gain 2 students in the Fall. Estimated loss per year of $30,195 which is the amount of tuition we would have received.
40	No	No	No	No	None
133	No	No	No	No	None
25	Yes	No	Yes	No	Adverse Economic Effect: Estimate this will cost upwards of $1,000 to completely be compliant with new mandated vaccine. We have a very

					small staff; we will have to go into each student folder and make sure their parents understand and are willing to comply. We also have many Spanish-speaking parents and almost no Spanish-speaking staff who can work extra hours calling parents and explaining the new mandated vaccine. Indirect Adverse Effect: I have studied vaccines extensively. I have found that the number of vaccines in the U.S. has increased over time, and so has the number of childhood diseases we cannot vaccinate against. Children's cancer and autism are at their highest levels. I see a correlation between the amount of vaccines and the problems with these diseases. The preservatives in vaccines are carcinogenic and there is a strong link to the preservative found in the vaccines and the autism rate. I know very well that pharmaceutical companies and the CDC have not found a link. I do not believe they are trying. They are merely doing what they are told: sell the vaccine, make a profit, regardless of how the results will harm the population.

Number of respondents out of 171	Adverse Economic Effect?	Beneficial Economic Effect?	Indirect Adverse Effects?	Indirect Beneficial Effects?
Public School District: 3 Private School: 5 University: 1	Not Applicable: 5 Yes: 2 No: 2	Not Applicable: 5 Yes: 0 No: 4	Not Applicable: 5 Yes: 2 No: 2	Not Applicable: 5 Yes: 0 No: 4

Any persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Karissa Loper at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 211
Carson City, NV 89706

Karissa Loper, MPH
Immunization Program Manager
Phone: (775) 684-3209
E-mail: kloper@health.nv.gov

2) Describe the manner in which the analysis was conducted.

An analysis of the input collected from stakeholders conducted by Karissa Loper, Nevada State Immunization Program Manager. The analysis involved analyzing feedback obtained from the small business impact questionnaires as well as information gathered from communications with various immunization and school health stakeholders, including pediatricians, community members, and local health district staff among others. The analysis considered the questionnaire answers and comments, comments and suggestions from related focus groups, as well as the fiscal impacts of requiring an additional vaccination for school/college entry.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation, both adverse and beneficial effects and both direct and indirect effects.

The beneficial effect of these regulations is to reduce vaccine-preventable disease in school-age and college-age populations. The adverse effects include additional staff time to check for the newly required immunization and possible increased record-keeping requirements for universities.

4) Provide a description of the methods that DPBH considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

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. Nevada public school districts, private schools and universities/colleges were given the opportunity to discuss the economic impact the proposed regulations may have. No modifications to the proposed regulations have been made as a

result of this input. The Division of Public and Behavioral Health has reviewed the regulations and has been unable to identify any adverse impacts on small businesses.

The Division of Public and Behavioral Health will hold a Public Workshop on Thursday, June 30, 2016 in Carson City and will be broadcast via videoconference in Las Vegas for the public and the regulated community to provide comments regarding the proposed regulations. Further input by the public, regulated community or other interested parties regarding the proposed regulations and their impact may be solicited at the Public Workshop. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities. The Notice of Public Workshop is being mailed to interested parties and posted in public locations statewide on Wednesday, June 15, 2016.

5) **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(s).

6) **If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH 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(s).

7) **An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

The regulations do not represent duplication of local, state or federal standards.

8) **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The agency has concluded there is little to no impact of regulation NACs 392.105, 394.250 and 441A.755 on small businesses as the response from the Small Business Impact Questionnaires did not offer any specific evidence to the perceived impact on the business model. There are no fees associated with requiring a school-entry immunization.

Certification by Person Responsible for the Agency

I, Cody L. Phinney, Administrator of the Division of Public and Behavioral Health, certify to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature_____ Date: _____

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public hearing and act on the adoption of amendments to Nevada Administrative Codes (NAC) 392.105, 394.250 and 441A.755. The proposed amendments are attached to this notice. **The hearing is scheduled to begin at 9:00am on Thursday, June 30, 2016 and will be broadcast via videoconference to the following locations: Division of Public and Behavioral Health, 4150 Technology Way, Suite 303, Carson City, NV 89706; Desert Meadow Area Health Education Center, 3050 E. Flamingo Rd., Las Vegas, NV 89121.**

Members of the public may also participate via teleconference by calling:
1-866-390-1828
Access Code: 1842659

AGENDA

I. **Call to Order and Welcome**
II. **Confirmation of Posting**
III. **Introduction of Workshop Process**
IV. **Public Comment on Proposed Amendment – Administrator may limit public comment to 5 minutes per speaker, but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agenda as an action item.**
V. **Adjournment – 4:00pm**

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, please notify Office Manager, Nevada State Immunization Program, in writing at the Nevada Division of Public and Behavioral Health, 4150 Technology Way, Suite 211, Carson City, NV 89706 or by calling (775) 684-5900 before the meeting date.

NOTICE POSTING LOCATIONS
LEGISLATIVE COUNSEL BUREAU – 401 S. Carson St, Carson City
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH – 4150 Technology Way, Carson City
NEVADA STATE LIBRARY AND ARCHIVES – 100 Stewart St, Carson City
WASHOE COUNTY HEALTH DISTRICT – 1001 E. 9th St, Reno
ELKO COUNTY LIBRARY – 720 Court St, Elko
DIVISION OF AGING AND DISABILITY SERVICES – 3811 W. Charleston Blvd, Ste 112, Las Vegas
SOUTHERN NEVADA HEALTH DISTRICT – 280 S. Decatur Blvd., Las Vegas
THIS NOTICE IS POSTED ON THE INTERNET AT THE FOLLOWING SITES:
Division of Public and Behavioral Health: http://dpbh.nv.gov/
Legislative Council Bureau: http://www.leg.state.nv.us/Division/LCB/

The workshop will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law. The proposed change to regulation, LCB File NO. R052-16, amends NACs 392.105, 394.250 and 441A.755 provisions as follows:

- Prohibiting a child from being enrolled in grade 7 in a public or private school unless immunized against *Neisseria meningitidis* after he or she obtained 10 years of age;
- Prohibiting certain persons from attending a university until the person submits to the university proof of immunity to *N. meningitidis*;
- Providing exceptions to such prohibitions; and
- Providing other matters properly relating thereto.

Persons wishing to submit written testimony or documentary evidence may submit the materials by June 20, 2016 to Karissa Loper, Nevada State Immunization Program Manager, at the following address:

Division of Public and Behavioral Health
4150 Technology Way, Suite 211
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two (2) typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to all Board members adequate time to review the documents.

A copy of the notice is posted and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health
4150 Technology Way
Carson City, NV 89706

Carson City Library
900 N. Roop St.
Carson City, NV 89701

Churchill County Library
563 S. Maine St.
Fallon, NV 89406

Clark County Library
1401 E. Flamingo Rd.
Las Vegas, NV 89110

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court St.
Elko, NV 89801

Esmeralda County Library
Corner of Crook & Fourth
Goldfield, NV 89013

Eureka Branch Library
210 S. Monroe
Eureka, NV 89316

Humboldt County Library
85 E. Fifth St.
Winnemucca, NV 89445

Lander County Library
625 S. Broad St.
Battle Mountain, NV 89820

Nevada State Library and Archives
100 Stewart St.
Carson City, NV 89701

Lincoln County Library
93 Main St.
Pioche, NV 89043

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Mineral County Library
First & A Streets
Hawthorne, NV 89415

Pahrump Library District
701 East St.
Pahrump, NV 89041

Pershing County Library
1125 Central Ave.
Lovelock, NV 89419

Storey County Library
95 South R St.
Virginia City, NV 89440

Tonopah Public Library
167 Center St.
Tonopah, NV 89409

Washoe County Library
301 S. Center St.
Reno, NV 89505

White Pine County Library
950 Campton St.
Ely, NV 89301

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against adoption.

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations

(LCB File No. R052-16)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapters 392, 394 and 441A of the Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on September 9, 2016.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, September 9, 2016 at the following locations:

Division of Public and Behavioral Health	Southern Nevada Health District	Washoe County Health District	Division of Aging and Disability Services
4150 Technology Way Room #303 Carson City, NV 89706	280 S. Decatur Blvd Las Vegas, NV 89107	1001 E. 9th St. Reno, NV 89512	Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV 89801

The proposed changes to NAC's 392.105, 394.250 and 441A.755 include the following:

- Declares *N. meningitidis* to be a communicable disease;
- Prohibits a child from being enrolled in grade 7 in a public or private school unless immunized against *N. meningitidis* after the student obtains 10 years of age;
- Prohibits certain persons from attending a university until the person submits to the university proof of immunity to *N. meningitidis*;
- Provides exceptions to such prohibitions; and
- Provides other matters properly relating thereto.

1. Anticipated effects on the business which the applicable NACs regulate:
   a. *Adverse effects*: Minimal; the adverse effects include additional registrar/school nurse staff time to check for the newly required immunization and increased record-keeping requirements for universities.
   b. *Beneficial*: The beneficial effect of these regulations is to reduce the risk of meningococcal disease in school and university populations.
   c. *Immediate*: Beginning with the 2017 school year, all public and private schools will be required to check incoming grade 7 student records, and all universities will be required to check incoming student records for immunity to *N. meningitidis*, or the proper exemptions, according to the schedules that will be established by the Division of Public

and Behavioral Health (DPBH).

d. *Long-term*: The DPBH has reviewed all school/university immunization regulations and has been unable to identify any long-term adverse impacts on business.

2. Anticipated effects on the public:
   a. *Adverse effects*: None.
   b. *Beneficial*: Reduces the risk of meningococcal disease spread in school and university populations, thereby protecting the health of all Nevadans.
   c. *Immediate*: Students entering grade 7 or as an incoming freshman to a university in fall 2017 will be required to show immunity to *N. meningitidis*, according to the schedule established by the DPBH, or have the proper exemptions on file or risk being excluded from school entry.
   d. *Long-term*: Sustainable increases in adolescent immunization coverage rates for Nevada students. Increased immunization coverage in a population significantly reduces the possibility of a disease outbreak.

3. The estimated cost to the DPBH for enforcement of the proposed regulations would be minimal and handled through existing administrative processes as the vaccines to prevent meningococcal disease are already routinely provided to eligible children 0-18 years by the Division of Healthcare Financing and Policy through the Nevada Check-Up Program and the Vaccines for Children Program.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Cody Phinney, to be received no later than August 24, 2016 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
4150 Technology Way
Carson City, NV 89706

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
3811 W. Charleston Blvd, Suite 207
Las Vegas, NV 89102

A copy of the regulations and small business impact statement can be found on-line by going to: http://dpbh.nv.gov/Programs/VPD/dta/Community/Vaccine-Preventable_Diseases_-_Community/

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-5900 in Carson City. Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Henderson District Public Library
280 South Green Valley Parkway
Henderson, NV 89012

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

STATE OF NEVADA

BRIAN SANDOVAL
Governor

RICHARD WHITLEY, MS
Director, DHHS

CODY L. PHINNEY, MPH
Administrator, DPBH

JOHN DIMURO, D.O., MBA
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Bureau of Child, Family and Community Wellness
Immunization Program
4150 Technology Way, Suite 210
Carson City, Nevada 89706
Telephone: (775) 684-5900 · Fax: (775) 684-8338

July 29, 2016

MEMORANDUM

To: Brian Saerman, Chair
State Board of Health

Re: Consideration and adoption of proposed regulation amendments, LCB File No. R052-16
Amendments to Nevada Administrative Codes (NAC's) 392.105, 394.250 and 441A.755.

Purpose of Amendment

The purpose of the amendment is to add immunization against *Neisseria meningitidis (e.g., meningococcal disease or meningitis)* as a requirement for 7th 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 7th 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.

Summary of Changes to Nevada Administrative Code (NAC)

The proposed amendments accomplish the following:

- Declares *N. meningitidis* to be a communicable disease;
- Prohibits a child from being enrolled in grade 7 in a public or private school unless immunized against *N. meningitidis* after the student obtains 10 years of age;
- Prohibits certain persons from attending a university until the person submits to the university proof of immunity to *N. meningitidis*;
- Provides exceptions to such prohibitions; and
- Provides other matters properly relating thereto.

Possible Outcome if Proposed Amendment is Not Approved

A risk of communicable disease outbreaks due to meningococcal infection exists as long as students go unvaccinated. The case-fatality ratio is 10-15% even with timely and appropriate antibiotic therapy and as many as 20% of survivors have permanent issues such as hearing loss, neurologic damage or loss of limbs. The incidence of disease in the U.S. is relatively low; however, a peak in disease incidence among adolescents and young adults 16-21 years of age has persisted, even after routine vaccination of adolescents was recommended in 2005. The majority of cases occur in the adolescent and young adult population, making timely and appropriate vaccination of this population an important public health endeavor. Currently, 23 states and the District of Columbia include a meningococcal immunization mandate for middle school entry and 37 states have a college-entry mandate. The most effective method for ensuring appropriate immunization coverage levels in a population is to link immunization with school enrollment/entry.

Applicability of Proposed Amendment

These regulations will apply statewide to public and private primary schools and the state's two Universities.

Public Comment

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 that 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 beneficial effect of these regulations is to reduce vaccine-preventable disease in school-age and college-age populations. The adverse effects include additional staff time to check for the newly required immunization and possible increased record-keeping requirements for universities.

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. Nevada public school districts, private schools and universities were given the opportunity to discuss the economic impact the proposed regulations may have. No modifications to the proposed regulations have been made as a result of this input. The Division of Public and Behavioral Health has reviewed all school immunization regulations and has been unable to identify any adverse impacts on small businesses.

June 30, 2016: A public workshop was held on the proposed regulations 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. Minimal to no opposition is anticipated for the public hearing with the Board of Health.

Staff Recommendation

Staff recommends the State Board of Health adopt the proposed regulation amendments to NAC's 392.105, 394.250 and 441A.755 as presented in LCB File No. R052-16.

Presenter

Karissa Loper, MPH, Health Program Manager 2, Nevada State Immunization Program, Bureau of Child, Family and Community Wellness.

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