Rabies Vaccine Reporting is Mandatory… Whether We Like It or Not

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During 2011, many California veterinarians have been surprised to receive instructions from their local animal regulatory authority requiring rabies vaccination reports. In most instances, the authority is the county animal control department, but in some jurisdictions another municipal entity such as the county health department may be designated instead. Veterinarians have indicated that their county regulatory authorities are requiring contact information of any pet owner who has brought their pet in for rabies vaccination. Of course, the first inclination of most veterinarians is to refuse to comply, since all medical professionals are trained to protect their client’s personal information. However, this is one instance in which the law indicates the contrary.

Although the California Business and Professions Code Section 4857 Section (a) states:

“A veterinarian licensed under the provisions of this chapter shall not disclose any information concerning an animal receiving veterinary services, the client responsible for the animal receiving veterinary services, or the veterinary care provided to an animal…”

…it also provides for an exemption in Section 4857(a) (4) for veterinarians to provide information concerning animals receiving veterinary care under the following circumstances:

“…to ensure compliance with any federal, state, county, or city law or regulation…”

Rabies vaccination disclosure by veterinarians to public health officials falls under this exemption category. The California State Public Health Veterinarian released a statement in early 2011 officially declaring every county in California to be a “rabies area.” This designation is significant because in the law, special rules and considerations apply in “rabies areas.” The California Public Health Veterinarian states, “This declaration is based on the ongoing cyclic nature of rabies in California wildlife, and the resulting threat of exposure to domestic animals, livestock, and humans.”

Specifically, reporting requirements for rabies control in declared areas are defined as follows:

California Code of Regulations, Title 17: 2606.4. Officially Declared Rabies Areas.

(a) Administration and Enforcement. For purposes of administration and enforcement of Section 121690, California Health and Safety Code, in officially declared rabies areas, the following shall apply:

(4) Rabies Control Activities Reporting. During such time as a county is under official declaration as a rabies area, each local official responsible for the various phases of local dog or rabies control within each city, county and city or cities, or county shall make quarterly rabies control activities reports to and on forms furnished by the Department. Such reports shall be submitted to the Department by the local officials responsible for the various phases of local dog or rabies control through the local health officer so as to reach the Department not later than 30 days following each quarter.

The California Health and Safety Code further states in Section 121690(e):

The governing body of each city, city and county, or county shall maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing this section.

These laws together are essentially saying that local animal health authorities must tell the state health department about rabies activities in their area (including bites, rabid animal diagnoses, and vaccination statistics). The manner in which the local animal authorities seek to do so is up to them. However, they must comply with California Health and Safety Code Section 121690(h) which states:

All information obtained from a dog owner by compliance with this chapter is confidential to the dog owner and proprietary to the veterinarian. This information shall not be used, distributed, or released for any purpose, except to ensure compliance with existing federal, state, county, or city laws or regulations.
Some local animal health authorities follow established city or county ordinances when enforcing rabies control in their jurisdictions. By and large, ordinances require veterinarians to submit Rabies Vaccination Certificates to local animal authorities on a periodic basis to assist local animal authorities in fulfilling the state mandated rabies reporting requirements.

According to the California Code of Regulations Section 2606.4(2), official rabies vaccination certificates must show:

(A) The name, address and telephone number of the dog's owner;
(B) The description of the dog, including breed, color, age, and sex;
(C) The date of immunization;
(D) The type of rabies vaccine administered;
(E) The name of the manufacturer; and
(F) The lot number of the vaccine used.

While local animal authorities cannot disseminate this information, they can use it to enforce the law. Since dogs must be licensed – and less than 40% of dogs in California are licensed – this information can be used to assist them in locating and billing dog owners who have not licensed their pets. (To find animal ordinances in your area, visit www.municode.com.)

Some are concerned that because the rabies control reporting requirement gives local animal authorities access to dog owner contact information, it provides an avenue for solicitation, citation and fines of dog owners who have not obtained licensure for their pets.

The fact is, none of these laws are new. Local authorities have been mandated to record and report rabies events such as rabid animals, bites, and prophylaxis statistics for years. Even if, in recent history, some of these reporting requirements have not been enforced in certain areas, there now appears to be a renewed effort on behalf of local animal health authorities to comply with rabies laws and regulations. This effort comes on the heels of the State Health Department declaration that the entire state is now a “rabies area,” and thus veterinarians are being asked to comply as well.

Many veterinarians have asked how long the reporting requirement will be in effect. The California Health and Safety Code Section 121585 states:

The status of an area as a rabies area shall terminate at the end of one year from the date of the declaration unless, not earlier than two months prior to the end of the year, it is again declared to be a rabies area in the manner provided in this section. If however, the director at any time finds and declares that an area has ceased to be a rabies area its status shall terminate upon the date of the declaration.

Local animal authorities technically are supposed to continue their reporting requirements even when their jurisdiction is not a rabies declared area, so regardless of status, they may continue requiring veterinarians to provide owner information regarding rabies vaccination.

With a better understanding of the laws pertaining to rabies vaccination, veterinarians may more easily explain to their clients that they are mandated to provide contact information and that the law requires that dogs be licensed. Clients that threaten to go elsewhere will be faced with the same requirements in the next city or county, since the entire state is a declared area for the time being. If veterinarians reiterate to clients that their contact information cannot be sold, transferred or used for solicitation purposes and can only be used for verifying licensure, clients may have an easier time during the process.