Chapter 246-105 WAC

IMMUNIZATION OF CHILD CARE AND SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES

WAC

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WAC 246-105-010 Purpose. The purpose of this rule is to protect children and the public against certain vaccine-preventable diseases. Under the authority of the board of health, this rule describes the immunization requirements of children attending schools and child care centers.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-010, filed 12/26/08, effective 1/26/09.]

WAC 246-105-020 Definitions. For the purposes of this chapter, the words and phrases in this section have the following meanings unless the context clearly indicates otherwise:

(1) "Certificate of exemption (COE)" means a form that is:

(a) Approved by the department and consistent with the requirements of WAC 246-105-050(2); or

(b) An immunization form produced by the state immunization information system.

(2) "Certificate of immunization status (CIS)" means a form that is:

(a) Approved by the department and consistent with the requirements of WAC 246-105-050(1); or

(b) An immunization form produced by the state immunization information system.

(3) "Chief administrator" means:

(a) The person with the authority and responsibility for supervising the immediate operation of a school or child care center; or

(b) A person designated in writing by the statutory or corporate board of directors of the school district or school; or

(c) If (a) and (b) of this subsection do not apply, a person or persons with the authority and responsibility for supervising the general operation of the school district or school.

(4) "Child" means any person regardless of age admitted to:

(a) Any public school district; or

(b) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060; or

(c) Any child care center.

(5) "Child care center" means any licensed facility or center that regularly provides care of children for periods of less than twenty-four hours per day subject to licensure by the department of early learning as described in chapter 43.215 RCW.

(6) "Conditional" means a type of temporary immunization status where a child is not immunized against one or more of the vaccine-preventable diseases required by this chapter for full immunization. A child in this status is allowed to attend a school or child care center provided the child makes satisfactory progress toward full immunization.

(7) "Department" means the department of health.

(8) "Exempt" or "exemption" means a type of immunization status where a child has not been immunized against one or more of the vaccine-preventable diseases required by this chapter for full immunization due to medical, religious, philosophical or personal reasons. A child in this status is allowed to attend a school or child care center only by providing the required COE form.

(9) "Full immunization" or "fully immunized" means an immunization status where a child has provided proof of acquired immunity or has been vaccinated with immunizing agents against each of the vaccine-preventable diseases listed in WAC 246-105-030 according to the national immunization guidelines described in WAC 246-105-040.

(10) "Immunizing agent" means any vaccine or other immunologic drug licensed and approved by the United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against vaccine-preventable diseases.

(11) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county or combined county health district.

(12) "National immunization guidelines" means guidelines that are:

(a) Approved by the Advisory Committee on Immunization Practices (ACIP); and

(b) Published in the *Morbidity and Mortality Weekly Report (MMWR)*; and

(c) Consistent with the terms and conditions set forth in WAC 246-105-040.

(13) "Parent" means, for the purposes of signature requirements in this rule:

(a) The mother, father, legal guardian, or any adult *in loco parentis* of a child seventeen years of age or younger; or

(b) A person eighteen years of age or older; or

(c) An emancipated minor.

(14) "Satisfactory progress" for purposes of conditional status or an expired temporary medical exemption means the start or continuance towards full immunization status through the receipt of missing immunizations in a manner consistent with the national immunization guidelines described in WAC 246-105-040 and within the following time frames:

(a) Any missing immunizations must be received within thirty days after the first day of attendance or after a temporary medical exemption is no longer valid, unless receipt within such time is inconsistent with the guidelines.

(b) When the immunizations are part of a series with recommended intervals between doses, each additional missing immunization must be received no later than thirty days past the recommended date of administration of the next dose as established by the guidelines.

(15) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-020, filed 12/26/08, effective 1/26/09.]

WAC 246-105-030 Vaccine-preventable diseases children must be protected against for full immunization. In accordance with the conditions of this chapter, a child is required to be vaccinated against, or show proof of acquired immunity for, the following vaccine-preventable diseases before attending school or a child care center:

(1) Diphtheria;

(2) Tetanus;

(3) Pertussis (whooping cough);

(4) Poliomyelitis;

(5) Measles (rubeola);

(6) Mumps;

(7) Rubella;

(8) Hepatitis B;

(9) Haemophilus influenzae type B disease;

(10) Varicella; and

(11) Effective July 1, 2009, pneumococcal.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-030, filed 12/26/08, effective 1/26/09.]

WAC 246-105-040 Requirements based on national immunization guidelines. The department shall develop and distribute implementation guidelines for schools and child care centers that are consistent with the national immunization guidelines described in this section and the requirements in WAC 246-105-090.

(1) Unless otherwise stated in this section, a child must be vaccinated against each vaccine-preventable disease listed in WAC 246-105-030 at ages and intervals according to the national immunization guidelines in the "*Recommended Immunization Schedule for Persons Aged 0-18 Years, United States 2012*"; as published in the *Morbidity and Mortality Week Report* (MMWR) 2012;61(05):Q1-4.

(2) In addition to the ages and intervals required by subsection (1) of this section, the following vaccine administration guidelines shall apply. Schools and child care centers may accept one of the following as proof of a child's immunization status against varicella:

(a) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(b) Diagnosis or verification of a history of varicella disease by a health care provider; or

(c) Diagnosis or verification of a history of herpes zoster by a health care provider; or

(d) Serologic proof of immunity against varicella; or

(e) Documentation by the parent that a child has a history of varicella. This type of proof will be accepted only for certain grade levels described in the department's implementation guidelines according to WAC 246-105-090(2).

[Statutory Authority: RCW 28A.210.140. WSR 12-17-018, § 246-105-040, filed 8/2/12, effective 9/2/12; WSR 11-05-060, § 246-105-040, filed 2/11/11, effective 3/14/11; WSR 09-02-003, § 246-105-040, filed 12/26/08, effective 1/26/09.]

WAC 246-105-050 Required documentation of immunization status. Before a child may attend a school or child care center, a parent must provide proof of immunization status using the following types of documentation:

(1) A department-approved CIS form which must be signed by the parent. The CIS form must include:

(a) Name of child or student;

(b) Birth date;

(c) Type of vaccine(s) administered;

(d) Month, day, and year of each dose of vaccine received;

(e) A section to indicate whether an accompanying COE form has been provided;

(f) A section to document serologic proof of immunity which must be signed by a licensed health provider and include a copy of a lab report; and

(g) Parent signature and date.

(2) A department-approved COE form signed by a parent. A COE form must include:

(a) Name of child or student;

(b) Birth date;

(c) A section to indicate a medical exemption for one or more vaccines which must be signed by a licensed health care provider;

(d) A section to indicate a religious exemption for one or more vaccines;

(e) A section to indicate a personal or philosophical exemption for one or more vaccines;

(f) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the child may be excluded from the school or child care center for the duration of the outbreak; and

(g) Parent signature and date.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-050, filed 12/26/08, effective 1/26/09.]

WAC 246-105-060 Duties of schools and child care centers. (1) Schools and child care centers shall require:

(a) A CIS form for new enrollees registering for admission into kindergarten through grade twelve or a child care

center as a requirement of admission. Information on the CIS is used to determine if a child is fully immunized, conditional or exempt.

(b) For enrollees attending under conditional status, documentation of satisfactory progress toward full immunization.

(c) For enrollees claiming exempt status, a signed COE form indicating a medical, religious, philosophical or personal exemption.

(i) A medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization.

(ii) If immunizations are deferred on a temporary basis for medical reasons, the student must make satisfactory progress toward full immunization once the medical exemption has expired.

(2) In maintaining child immunization records, schools and child care centers shall:

(a) Keep all department-approved forms described in WAC 246-105-050 for each enrolled child attending their school or child care center.

(b) Keep a list of children currently with medical, religious, philosophical, or personal exemptions. This list must be transmitted to the local health department upon request.

(c) Return the department-approved CIS or applicable COE or a legible copy of such documents to the parent if the child is withdrawn from a school or child care center or transferred from the school. A school or child care center may not withhold from the parent a child's department-approved CIS or COE for any reasons, including nonpayment of school or child care center fees.

(d) Provide access to immunization records to agents of the state or local health department of each child enrolled.

(3) In maintaining child immunization records, the chief administrator shall:

(a) Retain records for at least three years on a child who is excluded from school under this chapter. The record must include the child's name, address, and date of exclusion.

(b) Submit an immunization status report under chapter 28A.210 RCW either electronically on the internet or on a form provided by the department. The report must be submitted to the department by November 1 of each year. If a school opens after October 1, the report is due thirty days from the first day of school.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-060, filed 12/26/08, effective 1/26/09.]

WAC 246-105-070 Duties of health care providers. Persons or organizations administering immunizations, either public or private, shall:

(1) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(2) Provide immunizations and records in accordance with chapter 246-100 WAC.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-070, filed 12/26/08, effective 1/26/09.]

WAC 246-105-080 Criteria for excluding children from schools or child care centers. For any child excluded under subsection (1), (2), or (3) of this section, schools must use procedures consistent with chapters 180-38 and 392-380 WAC. A school or child care center shall exclude a child if one or more of the following applies:

(1) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance.

(2) A child attending under conditional status fails to make satisfactory progress toward full immunization.

(3) A child has been admitted under a temporary medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child fails to make satisfactory progress toward full immunization.

(4) A local health officer excludes a child from school or a child care center under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

(a) Conditional status;

(b) Medical exemption;

(c) Religious exemption;

(d) Philosophical exemption; or

(e) Personal exemption.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-080, filed 12/26/08, effective 1/26/09.]

WAC 246-105-090 Implementation. (1) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(a) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this chapter; and

(b) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(2) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(a) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

(b) Identify a specific vaccine-preventable disease or immunizing agent;

(c) Identify a specific cohort of children by age or grade level;

(d) Be limited in duration; and

(e) Be approved by the board.

[Statutory Authority: RCW 28A.210.140. WSR 09-02-003, § 246-105-090, filed 12/26/08, effective 1/26/09.]