
SUBSTITUTE SENATE BILL 5540

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and L. Kreidler).

Read first time March 4, 1991.

1 AN ACT Relating to immunizations for infectious diseases; adding
2 new sections to chapter 43.20 RCW; adding a new section to chapter
3 43.20A RCW; adding a new section to chapter 43.70 RCW; adding a new
4 section to chapter 70.47 RCW; adding a new section to chapter 41.05
5 RCW; adding a new section to chapter 18.130 RCW; adding a new section
6 to chapter 70.41 RCW; adding a new section to chapter 70.175 RCW;
7 adding a new section to chapter 18.51 RCW; adding a new section to
8 chapter 18.46 RCW; adding new sections to chapter 70.01 RCW; creating
9 new sections; and declaring an emergency.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20 RCW
12 to read as follows:

13 LEGISLATIVE INTENT. The legislature finds that there has been an
14 increase in the number of children and adults contracting infectious
15 diseases. The legislature further finds that this trend has occurred

1 despite the availability of safe and effective immunizations that can
2 prevent these life-threatening diseases. The legislature further finds
3 that parents and guardians of children as well as at risk adults are
4 often unaware of the need for immunizations, the appropriate age to
5 receive such immunizations, and the public health risks of the failure
6 to be properly immunized.

7 The legislature declares that it is in the public health interest
8 of the people of the state of Washington that all children should be
9 appropriately immunized. It further declares that at-risk adults
10 including those adults who work in health and long-term care settings
11 should also be appropriately immunized to stop the spread of infectious
12 disease in these settings.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20 RCW
14 to read as follows:

15 IMMUNIZATION REQUIREMENT. Effective January 1, 1992, it shall be
16 the responsibility of the parent or legal guardian of every child in
17 the state to ensure that their child complies with the immunization
18 schedules developed by the state board under section 3 of this act,
19 provided that nothing in this chapter shall require immunization of a
20 child where:

21 (1) A physician licensed under chapter 18.71 or 18.57 RCW has
22 determined that a particular vaccine is not medically advisable for the
23 child, provided that where it is determined by the physician that a
24 particular vaccine is not contraindicated, the child will be required
25 to receive the immunization;

26 (2) The parent or legal guardian of the child has objections to the
27 required immunizations based upon religious beliefs; or

28 (3) The parent or legal guardian of the child has either a
29 philosophical or personal objection to immunizing the child.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20 RCW
2 to read as follows:

3 STATE BOARD OF HEALTH ACTIVITIES. (1) The state board shall adopt
4 a rule by October 1, 1991, that establishes a schedule of appropriate
5 immunizations against infectious diseases for children, at-risk adults,
6 health care professionals, and other adults working in health and long-
7 term care settings. The schedule shall include the type of
8 immunization recommended and the appropriate age for receiving
9 vaccines. The state board may modify by rule the recommended
10 immunization schedule from time to time. When implementing this
11 section the state board shall consider recommended immunization
12 schedules developed by such bodies as the federal center for disease
13 control. The state board shall exempt from the immunization
14 requirements in sections 9 through 13 of this act those personnel
15 employed by health care professionals who have no patient contact.

16 (2) The state board shall make immunization schedules required by
17 this section available to the secretary of health, the secretary of
18 social and health services, the administrator of the basic health plan,
19 the administrator of the state health care authority, and the general
20 public no later than November 1, 1991.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW
22 to read as follows:

23 STATE SERVICE RECIPIENTS--DEPARTMENT OF SOCIAL AND HEALTH SERVICES.
24 (1) Effective January 1, 1992, the parent or legal guardian of a child
25 who is eligible to receive services from, through, or purchased by the
26 department shall be responsible for providing to the department within
27 ninety days of receiving such services:

1 (a) A certificate showing that the child has completed the state
2 board of health recommended infectious disease immunization schedule or
3 is making satisfactory progress in complying with the schedule;

4 (b) A waiver signed by a physician licensed under chapter 18.71 or
5 18.57 RCW stating that a particular vaccine is not medically advisable
6 for the child. When it is determined by the physician that a
7 particular vaccine is not contraindicated, the child will be required
8 to receive the immunization;

9 (c) A written certification signed by a parent or legal guardian of
10 the child stating that the signer has objections to the required
11 immunizations based upon religious beliefs; or

12 (d) A written certification signed by a parent or legal guardian of
13 the child stating that the signer has either a philosophical or
14 personal objection to immunizing the child.

15 (2) The secretary shall grant to parents or guardians of children
16 who are receiving department services on or before January 1, 1992,
17 ninety days to comply with the requirements of this section.

18 (3) The secretary shall decide the manner in which certificates and
19 waivers required by this section shall be prepared and made available.

20 (4) The secretary may establish by rule a procedure to periodically
21 check whether children are making satisfactory progress in complying
22 with the appropriate immunization schedules. Such monitoring shall, to
23 the extent possible, be conducted during the course of routine contact
24 with the parent or guardian of the child.

25 (5) The secretary shall coordinate with the secretary of health,
26 the administrator of the basic health plan, and the administrator of
27 the state health care authority in the preparation of certificates and
28 waivers required for the administration of this section to assure
29 minimum paperwork and prevent duplicative compliance requirements for

1 children receiving state services or benefits from more than one state
2 agency.

3 (6) The secretary shall seek whatever federal waivers are necessary
4 to implement the provisions of this section.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW
6 to read as follows:

7 STATE SERVICE RECIPIENTS--DEPARTMENT OF HEALTH. (1) Effective
8 January 1, 1992, the parent or guardian of a child who is eligible to
9 receive services from, through, or purchased by the department shall be
10 responsible for providing to the department within ninety days of
11 receiving such services:

12 (a) A certificate showing that the child has completed the state
13 board of health recommended infectious disease immunization schedule or
14 is making satisfactory progress in complying with the schedule;

15 (b) A waiver signed by a physician licensed under chapter 18.71 or
16 18.57 RCW stating that a particular vaccine is not medically advisable
17 for the child. When it is determined by the physician that a
18 particular vaccine is not contraindicated, the child will be required
19 to receive the immunization;

20 (c) A written certification signed by a parent or legal guardian of
21 the child stating that the signer has objections to the required
22 immunizations based upon religious beliefs; or

23 (d) A written certification signed by a parent or legal guardian of
24 the child stating that the signer has either a philosophical or
25 personal objection to immunizing the child.

26 (2) The secretary shall grant to parents or guardians of children
27 who are receiving department services on or before January 1, 1992,
28 ninety days to comply with the requirements of this section.

1 (3) The secretary shall decide the manner in which certificates and
2 waivers required by this section may be prepared and made available.

3 (4) The secretary may establish by rule a procedure to periodically
4 check whether children are making satisfactory progress in complying
5 with the appropriate immunization schedules. Such monitoring shall, to
6 the extent possible, be conducted during the course of routine contact
7 with the parent or guardian of the child.

8 (5) The secretary shall coordinate with the secretary of social and
9 health services, the administrator of the basic health plan, and the
10 administrator of the state health care authority in the preparation of
11 certificates and waivers and required for the administration of this
12 section to assure minimum paperwork and duplicative compliance
13 requirements for children receiving state services or benefits from
14 more than one state agency.

15 (6) The secretary shall seek whatever federal waivers are necessary
16 to implement the provisions this section.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.47 RCW
18 to read as follows:

19 STATE SUBSIDIZED HEALTH CARE INSURANCE RECIPIENTS--BASIC HEALTH
20 PLAN. (1) Effective January 1, 1992, the parent or guardian of a child
21 who is enrolled in the plan shall be responsible for providing to the
22 plan administrator within ninety days of enrollment:

23 (a) A certificate showing that the child has completed the state
24 board of health recommended infectious disease immunization schedule or
25 is making satisfactory progress in complying with the schedule;

26 (b) A waiver signed by a physician licensed under chapter 18.71 or
27 18.57 RCW stating that a particular vaccine is not medically advisable
28 for the child. When it is determined by the physician that a

1 particular vaccine is not contraindicated, the child will be required
2 to receive the immunization;

3 (c) A written certification signed by a parent or legal guardian of
4 the child stating that the signer has objections to the required
5 immunizations based upon religious beliefs; or

6 (d) A written certification signed by a parent or legal guardian of
7 the child stating that the signer has either a philosophical or
8 personal objection to immunizing the child.

9 (2) The administrator shall grant to parents and guardians of
10 children enrolled in the plan on or before January 1, 1992, ninety days
11 to comply with the requirements of this section.

12 (3) The administrator shall decide the manner in which certificates
13 and waivers required by this section shall be prepared and made
14 available.

15 (4) The administrator may establish by rule a procedure to
16 periodically check whether children are making satisfactory progress in
17 complying with the appropriate immunization schedules. Such monitoring
18 shall, to the extent possible, be conducted when the parent or guardian
19 of the child has routine contact with the plan or health care
20 contractors authorized to provide services under the plan.

21 (5) The administrator shall coordinate with the administrator of
22 the state health care authority, and the secretaries of health and
23 social and health services to assure minimum paperwork and duplicative
24 compliance requirements for children receiving state services or
25 benefits from more than one state agency.

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 41.05 RCW
27 to read as follows:

28 STATE EMPLOYEE BENEFIT RECIPIENTS--STATE HEALTH CARE AUTHORITY.

29 (1) Effective January 1, 1992, the parent or guardian of a child who is

1 enrolled as a dependent in the plan shall be responsible for providing
2 to the administrator within ninety days of enrollment:

3 (a) A certificate showing that the child has completed the state
4 board of health recommended infectious disease immunization schedule or
5 is making satisfactory progress in complying with the schedule;

6 (b) A waiver signed by a physician licensed under chapter 18.71 or
7 18.57 RCW stating that a particular vaccine is not medically advisable
8 for the child. When it is determined by the physician that a
9 particular vaccine is not contraindicated, the child will be required
10 to receive the immunization;

11 (c) A written certification signed by a parent or legal guardian of
12 the child stating that the signer has objections to the required
13 immunizations based upon religious beliefs; or

14 (d) A written certification signed by a parent or legal guardian of
15 the child stating that the signer has either a philosophical or
16 personal objection to immunizing the child.

17 (2) The administrator shall grant to parents and guardians of
18 children enrolled in the plan on or before January 1, 1992, ninety days
19 to comply with the requirements of this section.

20 (3) The administrator shall decide the manner in which certificates
21 and waivers required by this section shall be prepared and made
22 available.

23 (4) The administrator may establish by rule a procedure to
24 periodically check whether children are making satisfactory progress in
25 complying with the appropriate immunization schedules. Such monitoring
26 shall, to the extent possible, be conducted when the parent or guardian
27 of the child has any routine contact with the plan or health care
28 contractors authorized to provide services under the plan.

29 (5) The administrator shall coordinate with the administrator of
30 the basic health plan, and the secretaries of health and social and

1 health services to assure minimum paperwork and duplicative compliance
2 requirements for children receiving state services or benefits from
3 more than one state agency.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.130 RCW
5 to read as follows:

6 IMMUNIZATION REQUIRED FOR REGULATED HEALTH CARE PROFESSIONALS. (1)
7 Effective January 1, 1992, health care professionals regulated under
8 one of the disciplining authorities cited in RCW 18.130.040, who are
9 determined by the state board of health to present a risk of
10 contracting and spreading preventable infectious diseases covered by
11 the board's immunization schedules, shall present evidence of
12 appropriate immunization to the department upon the renewal of their
13 license, and for those applicants for licensure, prior to the issuance
14 of a license.

15 (2) The department shall accept in lieu of evidence of
16 immunization:

17 (a) A waiver signed by a physician licensed under chapter 18.71 or
18 18.57 RCW stating that a particular vaccine is not medically advisable
19 for the health care professional. When it is determined by the
20 physician that a particular vaccine is not contraindicated, the health
21 care professional will be required to receive the immunization;

22 (b) A written certification signed by the health care professional
23 stating his or her objections to the required immunizations based upon
24 religious beliefs; or

25 (c) A written certification signed by the health care professional
26 stating his or her objections based on either philosophical or personal
27 grounds.

28 (3) The department shall prescribe forms necessary to meet the
29 requirements of this section.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.41 RCW
2 to read as follows:

3 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
4 CARE FACILITIES--HOSPITALS. (1) Effective January 1, 1992, a hospital
5 shall require as a condition of employment or continued employment that
6 all applicants and hospital personnel provide evidence of meeting the
7 immunization requirements as defined by the state board of health under
8 section 3 of this act.

9 (2) A hospital shall not require employees to provide evidence of
10 immunizations if the employees are regulated under one of the
11 disciplining authorities cited in RCW 18.130.040 or if the employees
12 have no patient contact and are exempt from immunization requirements
13 by the state board of health.

14 (3) The hospital shall accept in lieu of evidence of immunization:

15 (a) A waiver signed by a physician licensed under chapter 18.71 or
16 18.57 RCW stating that a particular vaccine is not medically advisable
17 for the employee. When it is determined by the physician that a
18 particular vaccine is not contraindicated, the employee will be
19 required to receive the immunization;

20 (b) A written certification signed by the employee stating his or
21 her objections to the required immunizations based upon religious
22 beliefs; or

23 (c) A written certification signed by the employee stating his or
24 her objections based on either philosophical or personal grounds.

25 (4) The department shall prescribe forms necessary to meet the
26 requirements of this section.

27 (5) The hospital shall maintain proof of immunizations, waivers,
28 and certificates for current employees covered by this section.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 70.175
2 RCW to read as follows:

3 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
4 CARE FACILITIES--RURAL HEALTH CARE FACILITY. (1) Effective January 1,
5 1992, a rural health care facility shall require as a condition of
6 employment or continued employment that all personnel employed by the
7 facility provide evidence of meeting applicable immunization
8 requirements as defined by the state board of health under section 3 of
9 this act.

10 (2) The rural health care facility shall not require employees to
11 provide evidence of immunizations if the employees are regulated under
12 one of the disciplining authorities cited in RCW 18.130.040 or if the
13 employees have no patient contact and are exempt from immunization
14 requirements by the state board of health.

15 (3) The rural health care facility shall accept in lieu of evidence
16 of immunization:

17 (a) A waiver signed by a physician licensed under chapter 18.71 or
18 18.57 RCW stating that a particular vaccine is not medically advisable
19 for the employee. When it is determined by the physician that a
20 particular vaccine is not contraindicated, the employee will be
21 required to receive the immunization;

22 (b) A written certification signed by the employee stating his or
23 her objections to the required immunizations based upon religious
24 beliefs; or

25 (c) A written certification signed by the employee stating his or
26 her objections based on either philosophical or personal grounds.

27 (4) The department shall prescribe forms necessary to meet the
28 requirements of this section.

1 (5) The rural health care facility shall maintain proof of
2 immunizations, waivers, and certificates for current employees covered
3 by this section.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.51 RCW
5 to read as follows:

6 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
7 CARE FACILITIES--NURSING HOMES. (1) Effective January 1, 1992, a
8 nursing home shall require as a condition of employment or continued
9 employment that all personnel employed by the nursing home provide
10 evidence of meeting applicable immunization requirements as defined by
11 the state board of health under section 3 of this act.

12 (2) The nursing home shall not require employees to provide
13 evidence of immunizations if such employees are regulated under one of
14 the disciplining authorities cited in RCW 18.130.040 or if such
15 employees have no patient contact and are exempt from immunization
16 requirements by the state board of health.

17 (3) The nursing home shall accept in lieu of evidence of
18 immunization:

19 (a) A waiver signed by a physician licensed under chapter 18.71 or
20 18.57 RCW stating that a particular vaccine is not medically advisable
21 for the employee. When it is determined by the physician that a
22 particular vaccine is not contraindicated, the employee will be
23 required to receive the immunization;

24 (b) A written certification signed by the employee stating his or
25 her objections to the required immunizations based upon religious
26 beliefs; or

27 (c) A written certification signed by the employee stating his or
28 her objections based on either philosophical or personal grounds.

1 (4) The department shall prescribe forms necessary to meet the
2 requirements of this section.

3 (5) The nursing home facility shall maintain proof of
4 immunizations, waivers, and certificates for current employees covered
5 by this section.

6 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.46 RCW
7 to read as follows:

8 IMMUNIZATION REQUIRED FOR PERSONS WORKING IN STATE REGULATED HEALTH
9 CARE FACILITIES--MATERNITY HOMES. (1) Effective January 1, 1992, a
10 maternity home shall require as a condition of employment or continued
11 employment that all personnel employed by the maternity home provide
12 evidence of meeting applicable immunization requirements as defined by
13 the state board of health under section 3 of this act.

14 (2) The maternity home shall not require employees to provide
15 evidence of immunizations if such employees are regulated under one of
16 the disciplining authorities cited in RCW 18.130.040 or if such
17 employees have no patient contact and are exempt from immunization
18 requirements by the state board of health.

19 (3) The maternity home shall accept in lieu of evidence of
20 immunization:

21 (a) A waiver signed by a physician licensed under chapter 18.71 or
22 18.57 RCW stating that a particular vaccine is not medically advisable
23 for the employee. When it is determined by the physician that a
24 particular vaccine is not contraindicated, the employee will be
25 required to receive the immunization;

26 (b) A written certification signed by the employee stating his or
27 her objections to the required immunizations based upon religious
28 beliefs; or

1 (c) A written certification signed by the employee stating his or
2 her objections based on either philosophical or personal grounds.

3 (4) The department shall prescribe forms necessary to meet the
4 requirements of this section.

5 (5) The maternity home shall maintain proof of immunizations,
6 waivers, and certificates for current employees covered by this
7 section.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.01 RCW
9 to read as follows:

10 IMMUNIZATIONS REQUIRED FOR UNREGULATED PERSONNEL WORKING IN
11 UNREGULATED HEALTH CARE SETTINGS. (1) Effective January 1, 1992, a
12 health care professional regulated under one of the disciplining
13 authorities cited in RCW 18.130.020 shall require of his or her
14 employees that as a condition of employment or continued employment
15 they provide evidence of meeting applicable immunization requirements
16 as defined by the state board of health in section 3 of this act. The
17 health care professional shall not require immunization compliance of
18 his or her employees who are currently regulated under one of the
19 disciplining authorities cited in RCW 18.130.040 or who are employees
20 who have no patient contact and are exempt from immunization
21 requirements by the state board of health.

22 (2) The employing health care professional shall accept in lieu of
23 evidence of immunization:

24 (a) A waiver signed by a physician licensed under chapter 18.71 or
25 18.57 RCW stating that a particular vaccine is not medically advisable
26 for the employee. When it is determined by the physician that a
27 particular vaccine is not contraindicated, the employee will be
28 required to receive the immunization;

1 (b) A written certification signed by the employee stating his or
2 her objections to the required immunizations based upon religious
3 beliefs; or

4 (c) A written certification signed by the employee stating his or
5 her objections based on either philosophical or personal grounds.

6 (3) The department shall prescribe forms necessary to meet the
7 requirements of this section.

8 (4) The employing health care professional shall maintain proof of
9 immunizations, waivers, and certificates required by this section.

10 NEW SECTION. **Sec. 14.** A new section is added to chapter 70.01 RCW
11 to read as follows:

12 **VOUCHER DEMONSTRATION PROJECT.** (1) The secretary of social and
13 health services shall establish a voucher demonstration project to
14 reimburse eligible health care providers who administer to children
15 under the age of eighteen appropriate immunizations for infectious
16 diseases identified by the state board of health. The amount of the
17 voucher shall be established by the secretary of social and health
18 services.

19 (a) An eligible health care provider means a health care
20 practitioner licensed in the state of Washington who is authorized by
21 their license to administer immunizations.

22 (b) Any child under the age of eighteen who resides in the project
23 site location is eligible for a voucher.

24 (2) The secretary of social and health services, in consultation
25 with the secretary of health:

26 (a) Shall select up to two project sites where immunization rates
27 are below the state-wide average and where financial barriers appear to
28 be a major cause of the lower than average rates.

1 (b) Should establish the geographic boundaries of the project sites
2 in a manner that represents logical health care catchment areas.

3 (3) The secretary of social and health services shall:

4 (a) Coordinate with the secretary of health and the administrators
5 of the basic health plan and the state health care authority to assure
6 that no duplication of payment to providers for immunization
7 administration occurs across state-funded programs.

8 (b) Coordinate with the secretary of health in the development of
9 coupon voucher booklets that shall include at least the following: (i)
10 The reimbursement vouchers required by this section; (ii) general
11 educational information about infectious diseases; and (iii) the
12 appropriate immunization schedules developed by the state board of
13 health.

14 (c) Coordinate with the secretary of health to develop and
15 implement a system of distributing voucher coupon booklets and a cost-
16 efficient system to track compliance among children with the state
17 board of health recommended immunizations.

18 (d) Coordinate with the secretary of health to develop strategies
19 to encourage parents to have their children immunized according to
20 state board of health recommendations.

21 (e) Coordinate the implementation of this section with other
22 existing state and local infectious disease immunization efforts.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 70.01 RCW
24 to read as follows:

25 IMMUNIZATION DEMONSTRATION PROJECTS. (1) Effective January 1,
26 1992, the secretary of health may establish up to four immunization
27 demonstration projects in four communities in the state with the
28 purpose of identifying innovative ways to increase infectious disease
29 immunizations among children and other at-risk populations.

1 (a) The projects shall be located in one urban and one rural
2 community east of the Cascade mountains and one urban and one rural
3 community west of the Cascade mountains.

4 (b) In selecting project sites the secretary shall give priority to
5 communities where immunization rates are below the state average and
6 where there are access barriers to immunization services.

7 (2) To the extent possible, funding for projects must be used to
8 enhance existing immunization efforts in the community or, when
9 necessary, to plan for and implement new immunization efforts where
10 none exist. Projects shall identify the populations at greatest risk
11 in the community and concentrate efforts on these populations. Project
12 funding shall not be used to purchase vaccine or to pay for, or
13 subsidize, provider administrative fees.

14 (3) The secretary shall use appropriate immunization schedules
15 developed by the state board of health when implementing the provisions
16 of this section.

17 (4) The secretary shall coordinate the demonstration projects with
18 other state and local infectious disease immunization efforts.

19 (5) The secretary shall report to the health care committees of the
20 legislature by December 1, 1993, on the effectiveness of the projects
21 and shall make recommendations as to whether they should be continued
22 or expanded.

23 (6) This section shall expire on June 30, 1994.

24 NEW SECTION. **Sec. 16.** If specific funding for the purposes of
25 sections 14 and 15 of this act, referencing this act by bill number, is
26 not provided by June 30, 1991, in the omnibus appropriations act,
27 sections 14 and 15 of this act, shall be null and void.

1 NEW SECTION. **Sec. 17.** Section headings as used in this act do
2 not constitute any part of the law.

3 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect immediately.