

ESB 5005 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 03/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.210.090 and 1991 c 3 s 290 are each amended to
4 read as follows:

5 (1) Any child shall be exempt in whole or in part from the
6 immunization measures required by RCW 28A.210.060 through 28A.210.170
7 upon the presentation of any one or more of the ~~((following))~~
8 certifications required by this section, on a form prescribed by the
9 department of health:

10 ~~((+1))~~ (a) A written certification signed by ~~((any physician~~
11 ~~licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW))~~
12 a health care practitioner that a particular vaccine required by rule
13 of the state board of health is, in his or her judgment, not advisable
14 for the child: PROVIDED, That when it is determined that this
15 particular vaccine is no longer contraindicated, the child will be
16 required to have the vaccine;

17 ~~((+2))~~ (b) A written certification signed by any parent or legal
18 guardian of the child or any adult in loco parentis to the child that
19 the religious beliefs of the signator are contrary to the required
20 immunization measures; ~~((and))~~ or

21 ~~((+3))~~ (c) A written certification signed by any parent or legal
22 guardian of the child or any adult in loco parentis to the child that
23 the signator has either a philosophical or personal objection to the
24 immunization of the child.

25 (2)(a) The form presented on or after the effective date of this
26 section must include a statement to be signed by a health care
27 practitioner stating that he or she provided the signator with
28 information about the benefits and risks of immunization to the child.
29 The form may be signed by a health care practitioner at any time prior
30 to the enrollment of the child in a school or licensed day care.

1 Photocopies of the signed form or a letter from the health care
2 practitioner referencing the child's name shall be accepted in lieu of
3 the original form.

4 (b) A health care practitioner who, in good faith, signs the
5 statement provided for in (a) of this subsection is immune from civil
6 liability for providing the signature.

7 (c) Any parent or legal guardian of the child or any adult in loco
8 parentis to the child who exempts the child due to religious beliefs
9 pursuant to subsection (1)(b) of this section is not required to have
10 the form provided for in (a) of this subsection signed by a health care
11 practitioner if the parent or legal guardian demonstrates membership in
12 a religious body or a church in which the religious beliefs or
13 teachings of the church preclude a health care practitioner from
14 providing medical treatment to the child.

15 (3) For purposes of this section, "health care practitioner" means
16 a physician licensed under chapter 18.71 or 18.57 RCW, a naturopath
17 licensed under chapter 18.36A RCW, a physician assistant licensed under
18 chapter 18.71A or 18.57A RCW, or an advanced registered nurse
19 practitioner licensed under chapter 18.79 RCW."

20 Correct the title.

EFFECT: Provides liability protection for health care practitioners who sign the new immunization forms.
Allows a health care practitioner to sign the form at any time before the enrollment of the child in a school or licensed day care.
Allows photocopies of the signed form or a letter from the health care practitioner to be accepted in lieu of the original form.
Excuses a parent or legal guardian who exempts his or her child from immunization requirements because of religious beliefs from providing the new form if he or she demonstrates membership in a religious body or church in which religious beliefs or teachings would preclude medical treatment by a health care practitioner.

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