

WSR 24-20-094

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed September 30, 2024, 2:05 p.m., effective October 31, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Immunization of childcare and school children against certain vaccine-preventable diseases.

For WAC 246-105-040, the department of health (department) adopted rule updates from the 2019 version of the ACIP recommendations to the most recent 2024 version. The adopted rule references the [""]*Advisory Committee on Immunization Practices (ACIP) Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger—United States, 2024*"; as published in the *Morbidity and Mortality Weekly Report (MMWR) 2024*"; 73(1):6-10." Updating the reference to the 2024 guidelines allows the rule to remain consistent with national consensus regulating clinical standards of care as recommended by the CDC's Advisory Committee on Immunization Practices.

For WAC 246-105-060, the department removed the reporting date from the rule and replaced it with, "Submit an annual immunization status report under RCW 28A.210.110 at a time and in a manner approved by the department." This change enables the department to determine the reporting date as authorized by RCW 28A.210.110 and provide flexibility to better support schools and childcare centers in meeting the reporting deadline.

Citation of Rules Affected by this Order: Amending WAC 246-105-040 and 246-105-060.

Statutory Authority for Adoption: RCW 43.20.050 and 28A.210.110.

Adopted under notice filed as WSR 24-15-056 on July 16, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: September 30, 2024.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5424.1

AMENDATORY SECTION (Amending WSR 19-21-161, filed 10/22/19, effective 11/22/19)

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, or provide documentation of immunity against, each vaccine-preventable disease listed in WAC 246-105-030 at ages and intervals according to the national immunization guidelines in the "Advisory Committee on Immunization Practices (ACIP) Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger—United States, ((2019)) 2024"; as published in the *Morbidity and Mortality Weekly Report* (MMWR) ((2019; 68(5):112-114)) 2024; 73(1):6-10.

(2) As part of the implementation guidelines, the department shall align the ages and intervals specified in the national immunization guidelines and this chapter with a corresponding grade level.

(3) In addition to the ages and intervals required by subsections (1) and (2) of this section, the following vaccine administration guidelines shall apply.

(a) Schools shall accept proof of immunization status by grade level as required by subsection (2) of this section.

(b) Schools and child care centers may accept one of the following as proof of a child's immunization status against varicella:

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

(ii) Diagnosis or verification of a history of varicella disease by a health care provider acting within their scope of practice; or

(iii) Diagnosis or verification of a history of herpes zoster by a health care provider acting within their scope of practice; or

(iv) Serologic proof of immunity against varicella; or

(v) 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).

AMENDATORY SECTION (Amending WSR 19-21-161, filed 10/22/19, effective 8/1/20)

WAC 246-105-060 Duties of schools and child care centers. (1) Schools and child care centers shall require on or before the first day of attendance either a CIS or COE form that documents a child's immunization status as required by WAC 246-105-050:

(a) For new enrollees registering for admission into preschool and kindergarten through grade ((~~twelve~~)) 12 or a child care center as a requirement of admission;

(b) Annually for continued enrollment in a child care center; and

(c) Any child identified as experiencing homelessness under the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11431 et seq., or in foster care under 20 U.S.C. 6311 (g) (1) (E) lacking documentation of immunization status on or before the first day of attendance must be

immediately enrolled and allowed to fully participate in all school activities.

(2) A school nurse, child care health consultant, or chief administrator shall use information from the CIS or COE form to determine the immunization status of a child as: Fully immunized, out of compliance, conditional, or exempt.

(a) For enrollees attending under conditional status or an enrollee with an expired temporary medical exemption, except those identified under subsection (1)(c) of this section, the following schedule for documenting proof of full immunization applies:

(i) Any doses the child is eligible to receive based on the requirements established in WAC 246-105-040 must be administered on or before the first day of attendance. Any additional missing immunizations must be received within (~~thirty~~) 30 calendar 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 national immunization guidelines; or

(ii) When the immunizations are part of a series with recommended intervals between doses, each additional missing immunization must be received no later than (~~thirty~~) 30 calendar days past the recommended date of administration of the next dose as established by the national immunization guidelines.

(b) Failure to document proof of full immunization consistent with the schedule established in (a) of this subsection shall result in exclusion of a child from a school or a child care center as described in WAC 246-105-080.

(3) 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.

(b) Keep or be able to produce within (~~twenty-four~~) 24 hours a current list of children who are not fully immunized. This list must be transmitted to the local health department upon request.

(c) Return the applicable department-approved CIS or 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.

(4) 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 RCW 28A.210.110 at a time and in a manner approved 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 calendar days from the first day of school.~~)