



**DATE:** March 9, 2016

**TO:** Washington State Board of Health Members

**FROM:** Tom Pendergrass MD, MSPH  
Board Member

**SUBJECT:** PETITION FOR RULEMAKING CHAPTER 246-105 WAC; IMMUNIZATION OF CHILD CARE AND SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES (CONDITIONAL STATUS)

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**Background and Summary:**

RCW 34.05.330 allows any person to petition the Board to adopt, repeal or amend any rule within its authority. The Board has 60 days to consider the petition and respond. In February, the Board received two petitions for rulemaking regarding Chapter 246-105 WAC, Immunization of Child Care and School Children Against Certain Vaccine-Preventable Diseases.

On February 1, 2016 the Board received a petition for rulemaking from Ms. Tammy Beddoe. Ms. Valerie Hunt submitted a similar petition for rulemaking on February 16, 2016. Ms. Beddoe is requesting that the Board consider amending Chapter 246-105 WAC to require children to be fully immunized before school entry. Ms. Hunt's petition specifically requests that the Board strike part of the definition of Satisfactory Progress in WAC 246-105-020, striking subsection (17)(a) that says 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must be received within thirty days after the first day of attendance or after a temporary medical exemption is no longer valid. Ms. Hunt's petition also asserts that this subsection is inconsistent with RCW 28A.210.080 which requires a child's attendance at public and private schools and licensed day care centers to be conditioned on proof of immunization, presented on or before child's first day of attendance.

Both petitioners contend that the current rules place immune-compromised students and staff at risk of exposure to illness and increase the potential for vaccine preventable-disease outbreaks by allowing unvaccinated students to attend school without proof of immunization for 30 days after school entry. The petitioners also indicate that the rule places a significant burden on school nurses and administrative support staff. They believe that amending the rule to require full immunization for school entry will address both of these issues. The Board has received correspondence from many school nurses supporting these petitions.

Michelle Davis has worked with Michele Roberts and her staff at the Department of Health Immunization program to review the history and statutes on this issue. They will provide more information on this petition and answer questions.

**Recommended Board Action:**

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The Board may wish to consider the following motions:

*Motion 1: The Board denies the petition to amend Chapter 246-105 WAC, and directs Board staff and requests the Department of Health to engage stakeholders to identify possible inconsistencies in the immunizations rules, and strategies to reduce the administrative burden to schools while decreasing the number of children who are out of compliance with school immunization requirements.*

Or

*Motion 2: The Board accepts the petition to amend Chapter 246-105 WAC and directs the Executive Director to file a CR-101 statement of inquiry to initiate rulemaking, and to engage stakeholders to clarify the rules to identify when a child may be excluded for being out of compliance with immunizations required for school entry.*