



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency: State Board of Health

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

**Other (specify)** (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** Chapter 246-110 WAC Contagious Disease School Districts and Day Care Centers. The amended rule improves clarity and makes it consistent with the list of contagious diseases that may affect children in schools and/or childcare centers with best public health practice and the notifiable conditions listed in chapter 246-101 WAC.

**Citation of existing rules affected by this order:**

Repealed: none  
Amended: Chapter 246-110 WAC  
Suspended: none

**Statutory authority for adoption:** RCW 43.20.050

**Other authority :** RCW 28A.210.010

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 13-10-055 on 04/29/2013 (date).

Describe any changes other than editing from proposed to adopted version: The adopted rule contains 4 minor changes: See attachment A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone  
Address: fax  
e-mail

**Date adopted:** 06/13/2013

**NAME (TYPE OR PRINT)**

Michelle A. Davis

**SIGNATURE**

**TITLE**

Executive Director, SBOH

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 16, 2013**

**TIME: 9:58 AM**

**WSR 13-15-070**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>

## Attachment A

There were four small changes to the text:

- WAC 246-110-020(2) is changed to read “When there is an outbreak of a contagious disease, as defined in WAC 246-110-010, and there is the potential for a case or cases within a school or childcare center, the local health officer, after consultation with the secretary of health or designee **if appropriate**, shall...”,
- WAC 246-110-020(3)(c) is changed to read “Pursue, in consultation with the secretary of health or designee **if appropriate**, and school or childcare officials, the investigation...”,
- WAC 246-110-020(2) “medically appropriate” is changed to “appropriate”; and
- WAC 246-110-020(2)(d) “infectious, exposed, or susceptible” is changed to “infectious, or exposed and susceptible”.

The first two changes make it clearer that a Health Officer is not required to consult with the Secretary of Health before issuing an order. This is more in line with the statutory authority of a Health Officer. The third change takes into account that some of the actions a health officer may wish to take to control or eliminate the spread of the contagious disease (such as conducting a disease investigation, closing a school, etc.) may fall outside of a “medically appropriate” action. The fourth change makes it clearer that there is not a need to exclude someone from school or childcare if they are exposed to a contagious disease but not susceptible to it.

**Chapter 246-110 WAC**  
**CONTAGIOUS DISEASE—SCHOOL DISTRICTS AND ((DAY CARE)) CHILDCARE CENTERS**

AMENDATORY SECTION (Amending WSR 92-02-019, filed 12/23/91, effective 1/23/92)

**WAC 246-110-001 Purpose.** ((The following regulations are adopted by the board of health for the purpose of governing the presence on or about any school or day care center premises of susceptible persons who have, or have been exposed to, a communicable disease.)) The rules in this chapter identify certain contagious diseases that may affect children, or others who are susceptible, in schools, and childcare centers. When an outbreak or potential outbreak of a contagious disease is identified in a school or childcare center, the rules in this chapter identify what schools, childcare centers and local health officers may do to control or prevent a potential outbreak of the contagious disease. These ((regulations)) rules are in addition to other requirements imposed by chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions.

((In furtherance of the purpose and intent of the law and these regulations, it is recommended that parents of students whose medical supervision seems inadequate should be encouraged to obtain the services of a physician for the child. When the economic situation warrants, the parents should be guided to the appropriate source of community sponsored medical care.)) These ((regulations are not intended to imply that any diagnosis or treatment will be performed by)) rules do not require school or ((day care)) childcare center personnel to diagnose or treat children.

AMENDATORY SECTION (Amending WSR 91-02-051, filed 12/27/90, effective 1/31/91)

**WAC 246-110-010 Definitions.** ((As used in this portion of these regulations, these terms shall mean:

(1) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an opportunity to acquire the infection.

(2) "Exposure" means such association with a person or animal in the infectious stage of a disease, or with a contaminated environment, as to provide the opportunity to acquire the infection.

(3) "Susceptible" means a person who does not possess sufficient resistance, whether natural or induced, to a pathogenic agent or disease to prevent contracting that disease when exposed thereto.

(4) "Communicable disease (contagious disease)" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. Communicable (contagious) diseases include, but are not limited to:

(a) Chickenpox

(b) ~~Conjunctivitis (bacterial)~~  
(c) ~~Diphtheria~~  
(d) ~~Giardiasis~~  
(e) ~~Hepatitis A~~  
(f) ~~Invasive Haemophilus influenza disease (excluding otitis me-~~  
dia)

(g) ~~Measles~~  
(h) ~~Meningitis (bacterial)~~  
(i) ~~Mumps~~  
(j) ~~Pediculosis~~  
(k) ~~Pertussis~~  
(l) ~~Rubella~~  
(m) ~~Salmonellosis~~  
(n) ~~Shigellosis~~  
(o) ~~Tuberculosis~~

(5) ~~"School" means each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education.~~

(6) ~~"Day care center" means an agency which regularly provides care for a group of children for periods of less than twenty four hours and is licensed pursuant to chapter 74.15 RCW.~~

(7) ~~"Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

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

(2) "Contact" means a person exposed to a contagious person or animal, or a contaminated source which might provide an opportunity to acquire the infection.

(3) "Contagious disease" means an illness caused by an infectious agent of public health concern which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission through an intermediate host or vector, food, water, or air. Contagious diseases include, but are not limited to:

(a) Bacterial Meningitis

(i) Haemophilus influenzae invasive disease (excluding Otitis me-  
dia)

(ii) Meningococcal

(b) Diarrheal diseases due to or suspected to be caused by an in-  
fectious agent

(i) Cryptosporidiosis

(ii) Giardiasis

(iii) Hepatitis A

(iv) Salmonellosis

(v) Shigellosis

(vi) Shiga toxin-producing Escherichia coli (STEC)

(c) Diseases spread through the air - Tuberculosis

(d) Vaccine preventable diseases

(i) Chickenpox (Varicella)

(ii) Diphtheria

(iii) German measles (Rubella)

(iv) Measles (Rubeola)

(v) Mumps

(vi) Whooping cough (Pertussis)

(4) "Contaminated" means containing or having contact with infectious agents that pose an immediate threat to present or future public health.

(5) "Exposed" means such association with a person or animal in the infectious stage of a disease, or with a contaminated source, which provides the opportunity to acquire the infection.

(6) "Infectious agent" means an organism that is capable of producing infection or infectious disease.

(7) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases as determined by the local health officer.

(8) "School" means each building, facility, and location at or within which any or all portions of a preschool, kindergarten, and grades one through twelve program of education and related activities are conducted for two or more students or children by or on behalf of any public school district and by or on behalf of any private school or private institution subject to approval by the state board of education.

(9) "Susceptible" means a person who has no immunity to an infectious agent.

AMENDATORY SECTION (Amending WSR 92-02-019, filed 12/23/91, effective 1/23/92)

**WAC 246-110-020 Control of (~~communicable~~(-))contagious((-)) disease.** (1) When (~~there is an outbreak of a contagious disease~~) a school or childcare center becomes aware of the presence of a contagious disease at the facility, as defined in WAC 246-110-010, (~~such that~~) the officials at the school or childcare center shall notify the appropriate local health officer for guidance.

(2) When there is an outbreak of a contagious disease, as defined in WAC 246-110-010, and there is the potential for a case or cases within a school or (~~day-care~~) childcare center, the local health officer, (~~if appropriate,~~) after consultation with the secretary of health or designee if appropriate, shall take all (~~medically~~) appropriate actions deemed to be necessary to control or eliminate the spread of the disease((-)) within their local health jurisdiction including, but not limited to:

(a) Closing part or all of the affected school(s) or (~~day-care~~) childcare center(s)(~~, or part(s) thereof~~);

(b) Closing other schools or (~~day-care~~) childcare centers (~~in the local health officer's jurisdiction~~);

(c) (~~Causing the cessation of selected~~) Canceling activities or functions at schools or (~~day-care~~) childcare centers (~~activities or functions~~);

(d) Excluding from schools or (~~day-care~~) childcare centers (~~in the local health officer's jurisdiction~~) any students, staff, and volunteers who are (~~infected with, or deemed to be susceptible to,~~) infectious, or exposed and susceptible to the disease.

(~~(2)~~) (3) Prior to taking action the health officer shall:

(a) Consult with and discuss the ramifications of action with the superintendent of the school district, or the chief administrator of the ~~((day-care))~~ childcare center or their designees on the proposed action; and

(b) Provide ~~((the board of directors and))~~ the superintendent of the school district or the chief administrator of the ~~((day-care))~~ childcare center or their designees a written decision, in the form and substance of an order, directing them to take action(

~~(3) Where these actions have been taken, the local health officer shall, in addition:~~

~~(a) Set the terms and conditions permitting)). The order must set the terms and conditions permitting;~~

~~(i) Schools or ((day-care)) childcare centers to reopen;~~

~~(ii) Activities and functions to resume; and~~

~~(iii) Excluded students, staff and volunteers to be readmitted((and)).~~

~~((b)) (c) Pursue, in consultation with the secretary of health or designee if appropriate, and school ((and/or day-care)) or child-care officials, the investigation of the source of disease, or ((or der)) those actions necessary to ((the-ultimate)) ultimately control ((of)) the disease.~~