

WASHINGTON STATE BOARD OF HEALTH

Date: June 12, 2024

To: Washington State Board of Health Members

From: Dimyana Abdelmalek, Board Member

Subject: Request for Delegated Rulemaking Authority – Minor Administrative Updates to Immunization Rules WAC 246-105-040 and 060

Background and Summary:

According to the Revised Code of Washington (RCW) 28A.210.140, the State Board of Health (Board) is responsible for creating rules that detail the steps and requirements for children to meet full immunization standards before attending school or child care centers in Washington. These rules are set forth in chapter 246-105 of the Washington Administrative Code (WAC), which includes the diseases children must be immunized against and the documentation options available to fulfill these requirements.

The Department of Health (Department) has asked the Board to delegate its rulemaking authority to make minor administrative changes to two sections of the rule, WAC 246-105-040 (Requirements based on national immunization guidelines) and WAC 246-105-060 (Duties of schools and child care centers). This request has been made for the following reasons:

- WAC 246-105-040 currently references the 2019 immunization schedule. However, updates between 2019 and 2024 change the recommended ages for administering some required vaccines for school and child care entry. As a result, the Department needs to update the schedule to the most recent version available (2024).
- WAC-246-105-060 requires schools to submit an annual immunization status report by November 1. The Department has determined that it's necessary to update this section of the rule to remove the school immunization status reporting date. Doing so would allow the Department to periodically determine the reporting date, consistent with RCW 28A.210.110(3), and better support schools and child care facilities in meeting the reporting deadlines.

Per RCW 43.20.050(4), the Board can delegate its authority to adopt rules to the Department under specific conditions. The Board has established Policy 2000-001, outlining its procedures for evaluating such requests from the Department. This policy includes criteria to help Board Members determine if requests meet the necessary conditions for rulemaking delegation.

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Each delegation by the Board is for a single rulemaking process unless otherwise specified in an approved motion. Once delegated, the Department will provide periodic progress reports to inform the Board about the rule-making progress. Additionally, the Board reserves the right to revoke its delegation at any time.

I have asked Meghan Cichy and Katherine Graff, Department Staff, to discuss the Department's request for delegated rulemaking authority for the Board's consideration.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt one of the following motions:

The Board delegates to the Washington Department of Health rulemaking authority to make minor changes to WAC 246-105-040 to update the immunization schedule to the most recent version and WAC 246-105-060 to remove the school immunization status reporting date.

Or

The Board does not delegate to the Washington Department of Health rulemaking authority to amend WAC 246-105-040 or WAC 246-105-060 for the reasons stated by the Board.

Staff

Molly Dinardo

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