



STATE OF WASHINGTON

**DEPARTMENT OF HEALTH**

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June 12th, 2024

**TO:** Michelle Davis, Executive Director  
Washington State Board of Health

**FROM:** Michele Roberts, Assistant Secretary  
Division of Prevention and Community Health

**SUBJECT:** Request for Delegation of Rulemaking Authority for WAC 246-105-040 and WAC 246-105-060.

The Department of Health (department) requests the authority to propose and adopt changes to WAC 246-105-040 (Requirements based on national immunization guidelines) and WAC 246-105-060 (Duties of schools and child care centers).

Under WAC 246-105-040, the department develops and distributes implementation guidelines for schools and child care centers consistent with national immunization guidelines. Guidelines are determined by the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP) and are published annually in the Morbidity and Mortality Weekly Report as the Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger — United States.

WAC 246-105-040 references the 2019 immunization schedule. Changes to the immunization schedule between 2019 and 2024 impact the recommended ages of vaccine administration for required school and child care immunizations, requiring the WAC to be updated.

Under WAC 246-105-060, schools and child cares are required to submit an annual immunization status report. WAC 246-105-060 requires these reports to be submitted to the department by November 1<sup>st</sup>. The department, in collaboration with schools, has determined it is necessary to update WAC 246-105-060 to remove the school immunization status reporting date from the rule. This would enable the department to determine the reporting date as authorized by RCW 28A.210.110 and to better support schools and child cares in meeting the reporting deadline.

Michelle Davis, Executive Director

March 15<sup>th</sup>, 2024

### Purpose of Rulemaking

Regarding WAC 246-105-040, the department identified several changes in the CDC’s immunization schedule from 2019 to 2024 that necessitate consideration for amending the rule. These include:

Disease	Vaccines	2019	2024	Year Changed
Tetanus, Diphtheria, and Pertussis	Tdap	Children ages 7–10 years who receive Tdap inadvertently or as part of the catch-up series should receive the routine Tdap dose at 11–12 years.	- Children ages 7–9 years who receive Tdap should receive the routine Tdap dose at age 11–12 years. - Children ages 10 years who receive Tdap do not need to receive the routine Tdap dose at age 11–12 years.	2020
Hepatitis B	Hepatitis B	Hepatitis B vaccine is not routinely recommended for all persons ages 19 and older.	People ages 19 through 59 should complete the Hepatitis B vaccine series.	2022
Pneumococcal	PCV13, PCV15, PCV20	PCV13 vaccine used in routine immunization schedule.	- PCV13 removed. - PCV15 and PCV20 are now used in the series. - Previous doses of PCV13 do not need to be repeated with PCV15 or PCV20.	2024
Polio	IPV	Not routinely recommended at ages 18 and older.	All persons unvaccinated or incompletely vaccinated should finish the polio series.	2024

Updating the reference to the 2024 guidelines would allow the rule to remain consistent with national consensus regulating clinical standards of care as recommended by the CDC’s Advisory Committee on Immunization Practices.

RCW 28A.210.110, requires the Chief Administrator to file a written annual report with the Department of Health on the immunization status of students or children attending child care on a date and on forms prescribed by the department. Regarding WAC 246-105-060, the date is not needed in rule. The deadline that schools and child care centers must report is communicated in multiple ways and shown on the reporting form.

### Potential Changes to the Rule

The department has identified the following changes that could occur during rulemaking:

- WAC 246-105-040: Update the ACIP recommendations reference to: “*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.*”

Michelle Davis, Executive Director  
March 15<sup>th</sup>, 2024

- WAC 246-105-060: Remove the reporting date from the rule: “Submit an annual immunization status report under RCW 28A.210.110 at a time and in a manner approved by the department.”

### **SBOH Delegation Considerations**

This rulemaking delegation request is based on the following criteria established in the State Board of Health’s Policy Number 2000-001, Considering Delegation of Rules to Department of Health:

#### **The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion.**

WAC 246-105-040: Several changes have occurred to immunization recommendations since the 2019 CDC ACIP recommendations were published. The department wishes to align WAC 246-105-040 with the current national immunization schedule for children and adolescents.

#### **The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus.**

WAC 246-105-040: The CDC ACIP immunization schedule provides guidance to assist health care providers in implementing current immunization recommendations. Continual realignment with the most current ACIP recommended immunization schedule aligns with expert consensus for children and adolescent immunizations. The potential rule change does **not** make any changes to the list of diseases for which full immunity is required for school or child care attendance.

WAC 246-105-060: The potential change is consistent with feedback from schools and child cares requesting additional time to complete reporting requirements.

#### **The extent to which the proposed rule may make significant changes to a policy or regulatory program.**

WAC 246-105-040: The potential rule change would not make significant changes. It would seek to bring guidance up to date with current immunization recommendations.

WAC 246-105-060: The proposed rule change would remove the reporting date requirement from the WAC and align with RCW 28A.210.110 which already explicitly and specifically dictates the reporting requirements.

#### **The extent to which the rule revision process would benefit from the Board’s role as a convener of interested parties.**

The department will follow the requirements for exception rulemaking including holding a public hearing. The department will notify interested parties of rulemaking activity by email, provide the proposed rule language to interested parties, and post information about the rulemaking on the department’s web page.

### **Collaboration with the SBOH**

If delegation is granted, the department commits to work closely with the State Board of Health’s policy staff to make certain that any proposed amendment maintains the integrity of the rule. For more information, please contact Meghan Cichy, PCH Senior Policy Analyst at (564) 669-3834 or [meghan.cichy@doh.wa.gov](mailto:meghan.cichy@doh.wa.gov).