

Clearinghouse Rule 96-081

CERTIFICATE

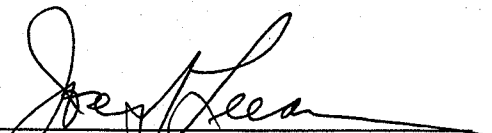
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND FAMILY SERVICES)

I, Joseph Leean, Secretary of the Department of Health and Family Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to immunization of students were duly approved and adopted by this Department on May 12, 1997.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 12th day of May 1997.

SEAL:


Joseph Leean, Secretary
Department of Health and Family Services



96-081
9-1-97

ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
REPEALING, RENUMBERING, AMENDING, REPEALING AND RECREATING
AND CREATING RULES

To repeal Table HSS 144.03-B; to renumber HSS 144.02(13) and 144.07(intro.) and (1); to amend HSS 144.01(1), 144.02(3), 144.03(2)(c) and (4) to (7), 144.05, 144.06, 144.07(1m), as renumbered, (3), (4)(intro.) and (a), (5) and (7) to (9) and 144.08; to repeal and recreate HSS 144.02(4), (6), (7) and (12), 144.03(2)(a) and (3), Table 144.03-A and 144.09; and to create HSS 144.02 (3g), (3m), (3r), (4m) and (13) and 144.03(2)(e) and (10), relating to immunization of students.

Analysis Prepared by the Department of Health and Family Services

These are amendments to the Department's rules for immunization of children before they enter school and while in school. The children are those attending elementary school, middle school or junior high school, senior high school or a day care center. The rules implement s.252.04(2) to (7) and (10), Stats.,

This rulemaking order adds Haemophilus influenzae b and hepatitis B to the list of diseases against which students are to be immunized. The current list consists of measles, mumps, rubella, polio, diphtheria, tetanus and pertussis. That list is statutory and is reproduced in the current rules. The Department is authorized under s.252.04(2), Stats., to add diseases to that list by rule.

The Department has decided to add Haemophilus influenzae b and hepatitis B to that list based on recommendations of the federal Centers for Disease Control (CDC) Advisory Committee on Immunization Practices (ACIP) that infants and preschool children receive the Haemophilus influenzae b (Hib) vaccine and that infants, young children and adolescents receive the hepatitis B (Hep B) vaccine. Prior to the availability of a vaccine, meningitis caused by Haemophilus influenzae b was the most common bacterial meningitis in children ages 2 months through 4 years. Because this form of meningitis is rare in older children, the Haemophilus influenzae b vaccine is only being required for children who attend day care centers. The acute and chronic consequences of hepatitis B virus (HBV) infection are major health problems. An estimated 200,000 new infections occur annually in the United States and one million persons have chronic HBV infections. Persons with chronic HBV infection are potentially infectious to others and are at risk of developing chronic liver disease and liver cancer. Hepatitis B vaccine is being required for infants and young children because they are at highest risk of developing chronic HBV disease, and is being required for adolescents because the majority of HBV infections occur in young adults.

The requirement for immunization against hepatitis B will be phased-in beginning with the 1997-98 school year. For that school year the requirement will apply to any child entering a day care center, kindergarten or 7th grade.

This rulemaking order also tightens up the definition of "substantial outbreak" in the current rules to bring it into line with current incidence and to make its meaning clearer; adds provisions that expressly permit release of immunization information both between vaccine providers and schools, including day care centers, and among vaccine providers; and otherwise updates ch. HSS 144.

The Department's authority to repeal, renumber, amend, repeal and recreate and create these rules is found in s.252.04(2) and (10), Stats. The rules interpret s. 252.04 (2) to (7) and (10), Stats.

SECTION 1. HSS 144.01(1) is amended to read:

HSS 144.01 INTRODUCTION. (1) PURPOSE AND AUTHORITY. The purpose of immunization is to prevent disease and suffering and any permanent disability resulting from the disease. These rules implement s.252.04, Stats., which as public policy seeks to identify and immunize those students who are still susceptible to measles, mumps, rubella, polio, hepatitis B, diphtheria, tetanus and pertussis upon admission to an elementary, middle, junior or senior high school or a day care center, or Haemophilus influenzae b upon admission to a day care center, in order to prevent transmission of these diseases.

SECTION 2. HSS 144.02(3) is amended to read:

HSS 144.02(3) "DTP/DTaP/DT/Td" means any combination of diphtheria, tetanus, and pertussis vaccine; diphtheria, tetanus and acellular pertussis vaccine; pediatric type diphtheria and tetanus vaccine; or adult type tetanus and diphtheria vaccine.

SECTION 3. HSS 144.02(3g), (3m) and (3r) are created to read:

HSS 144.02(3g) "Hib" means Haemophilus influenzae type b vaccine.

(3m) "Hep B" means hepatitis B vaccine.

(3r) "Immunization" means the process of inducing immunity artificially by administering an immunobiologic.

SECTION 4. HSS 144.02(4) is repealed and recreated to read:

HSS 144.02(4) "Local health department" means any agency specified in s. 250.01(4), Stats.

SECTION 5. HSS 144.02(4m) is created to read:

HSS 144.02(4m) "MMR" means measles, mumps and rubella vaccine administered in combination or as separate vaccines.

SECTION 6. HSS 144.02(6), (7) and (12) are repealed and recreated to read:

HSS 144.02(6) "Parent" means the parent, parents, guardian or legal custodian of any minor student.

(7) "Physician" means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board under s.448.05(2), Stats., and holding a license granted by the medical examining board under s. 448.06, Stats.

(12) "Substantial outbreak" means an occurrence of a vaccine-preventable disease covered by s.252.04, Stats., in a given school, day care center or municipality with an incidence exceeding one of the following:

(a) For substantial outbreaks in a municipality, twice the incidence of that disease in the nation as a whole.

(b) For substantial outbreaks in a school or day care center population, the following absolute limits:

1. Measles, one case.
2. Mumps, 2% of the unvaccinated population.
3. Rubella, one case.
4. Polio, one case.
5. Pertussis, 2 cases in a 30-day period.
6. Diphtheria, one case.
7. Haemophilus influenzae b, one case in a day care center population.

SECTION 7. HSS 144.02(13) is renumbered 144.02(14).

SECTION 8. HSS 144.02(13) is created to read:

HSS 144.02(13) "Vaccine provider" means a health care facility, as defined in s. 155.01(6), Stats., which administers vaccines, or a local health department or a physician's office which administers vaccines.

SECTION 9. HSS 144.03(2)(a) and Table 144.03-A are repealed and recreated to read:

HSS 144.03 (2) REQUIREMENTS FOR 1997-98 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE 1997-98 SCHOOL YEAR. (a) Table 144.03-A as qualified by pars. (b) to (e) lists the number of doses of each required vaccine that each student in the 1997-98 school year and following school years shall have received since birth for the age or grade of the student. These comprise the minimum basic and booster immunizations required under s. 252.04(2), Stats. They do not, however, represent all the recommended immunizations for those individuals who begin immunizations in infancy and follow currently accepted immunization schedules.

TABLE 144.03-A
REQUIRED IMMUNIZATIONS FOR THE 1997-98 SCHOOL YEAR AND
THE FOLLOWING SCHOOL YEARS

Age/Grade	Required Immunizations (Number of Doses)				
5 months through 11 months	2 DTP/DTaP/DT	2 Polio	--	2 Hep B	2 Hib
12 months through 23 months	3 DTP/DTaP/DT	2 Polio	1 MMR	2 Hep B	3 Hib ³
2 years through 4 years	4 DTP/DTaP/DT	3 Polio	1 MMR	3 Hep B	3 Hib ³
Kindergarten through grade 12	4 DTP/DTaP/DT/Td ¹	4 Polio	2 MMR	3 Hep B ²	

1. At least one dose to be received after 4 years of age unless medically contraindicated.
2. Required on entrance to kindergarten and 7th grade, beginning 1997-98 school year. See sub. (3) for phase-in of other grades.
3. At least one dose to be received after 12 months of age unless medically contraindicated.

SECTION 10. HSS 144.03(2)(c) is amended to read:

HSS 144.03(2)(c). Exceptions may be made in requirements for the fourth dose of DTP/DT/DTaP/Td vaccine and the fourth dose of polio vaccine. ~~Children~~ Students who receive the third dose of either of these vaccines after their fourth birthday are not required to receive a fourth dose of that vaccine.

SECTION 11. HSS 144.03(2)(e) is created to read:

HSS 144.03(2)(e) Exceptions may be made in requirements for Hib vaccine. Students who began the Hib series at 12 to 14 months are only required to receive 2 doses at least 2 months apart. Students who received one dose of Hib at 15 months of age or after are not required to obtain additional doses.

SECTION 12. HSS 144.03(3) is repealed and recreated to read:

HSS 144.03(3) HEP B VACCINE COVERAGE PHASE-IN. (a) Beginning with the 1997-98 school year, students entering day care centers, kindergarten and 7th grade shall have received Hep B vaccine in addition to the other required vaccines listed in Table 144.03-A as qualified by sub. (2)(b) to (e).

(b) For the 1998-99 school year, the requirements for Hep B vaccine listed in par. (a) that apply to students in grade K and 7 shall apply to students in grades K, 1, 7, and 8; to students in grades K through 2 and 7 through 9 in 1999-2000; to students in grades K through 3 and 7 through 10 in 2000-01; to students in grades K through 4 and 7 through 11 in 2001-02; to students in grades K through 5 and 7 through 12 in 2002-03; and to students in grades K through 12 in 2003-04 and thereafter.

SECTION 13. HSS 144.03-B (table) is repealed.

SECTION 14. HSS 144.03(4) to (7) are amended to read:

HSS 144.03(4) FIRST DEADLINE. Within 30 school days after having been admitted to a school or day care center, each student who has not filed a waiver form shall submit written evidence of having completed at least the first dose of each vaccine required for that student's age or grade, as outlined in Table HSS 144.03-A.

(5) SECOND DEADLINE. Within 90 school days after having been admitted to school or day care center, each student who has not filed a waiver form shall submit written evidence of having received the second dose of each vaccine required for that student's age or grade, as outlined in Table HSS 144.03-A.

(6) FINAL DEADLINE. Within 30 school days after having been admitted to a school or day care center for the following school year, each student who has not filed a waiver form shall submit written evidence of having received the third and, if required, the fourth dose of both DTP/DTaP/DT/Td and polio vaccines and the third dose of Hep B in grades required under sub. (3) and, for students in day care centers, the final dose of Hib vaccine, if a dose has not been received at or after 15 months of age.

(7) RECORDS OF IMMUNIZATION. Any person who immunizes a student under s. 252.04, Stats., shall maintain records identifying the manufacturer and lot number of the vaccine used, the date of immunization and the name and title of the person who immunized the student. ~~Records of vaccination required under s.252.04(1), Stats., shall be included on a form, "Important Information about Vaccines," copies of which are available free from the department at 1 West Wilson Street, Madison, Wisconsin 52702.~~

SECTION 15. HSS 144.03(10) is created to read:

HSS 144.03(10) RELEASE OF IMMUNIZATION INFORMATION. (a) Between vaccine providers and schools or day care centers. Vaccine providers may disclose a student's immunization information, including the student's name, date of birth and gender and the day, month, year and name of vaccine administered, to a school or day care center upon written or verbal request from the school or day care center. Written or verbal permission from a student or parent is not required to release this information to a school or day care center.

(b) Among vaccine providers. Immunization information, including the student's name, date of birth and gender and the day, month, year and name of vaccine administered, may be provided by one vaccine provider to another without written or verbal permission from the student or the parent.

SECTION 16. HSS 144.05 and 144.06 are amended to read:

HSS 144.05 WAIVER FOR REASON OF RELIGIOUS OR PERSONAL CONVICTION. Immunization requirements under s.252.04, Stats., shall be waived by the department upon a presentation of a signed statement by the parent ~~or guardian~~ of a minor student or by the adult student which declares an objection to immunization on religious or personal conviction grounds. Written evidence of any required immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

HSS 144.06 RESPONSIBILITIES OF PARENTS AND ADULT STUDENTS. The parent of any minor student or the student, if an adult, shall secure the immunizations required under s.252.04, Stats., from available ~~medical~~ health care sources such as ~~physicians~~ physicians' offices, hospitals or ~~public health agencies~~ local health departments, or shall submit the waiver form.

SECTION 17. HSS 144.07 (intro.) and (1) are renumbered 144.07(1) and (1m), and HSS 144.07(1m), as renumbered, is amended to read:

HSS 144.07(1m) ~~The~~ By the 15th school day after a child or adult is admitted to a school or day care center and again by the 25th school day after a child or adult is admitted to a school or day care center, the school or day care center shall notify ~~any the~~ the adult student ~~and~~ or the parent of any minor student who has not submitted either written evidence of immunization or a waiver form ~~within 25 school days of being admitted.~~ Notification shall include instructions for complying with the requirements of s. 252.04(2), Stats., including a list of missing immunizations, the availability of waivers for reasons of health, religion or personal conviction, and an explanation of the penalty for noncompliance.

SECTION 18. HSS 144.07(3), (4)(intro.) and (a), (5) and (7) to (9) are amended to read:

HSS 144.07(3) ~~Should~~ If any minor student for whom a waiver form is not filed ~~fail~~ fails to comply with the immunization requirements described in s. HSS 144.03 by the date of

admission to the school or day care center, the school or day care center shall, within 10 60 school days of that failure to comply, notify the district attorney in writing including, with the notice to include the student's name and the name and address of the student's parent, and request the district attorney to seek a court order under ch. 48 s.48.13(13), Stats. The school or day care center shall keep the district attorney apprised of the subsequent compliance of any of the students a student initially reported to the district attorney.

(4)(intro.) The school shall report to the local ~~public health agency~~ health department and the day care center shall report to both the local health department and the department:

(a) The degree of compliance with s. 252.04, Stats., and this chapter by students in that school or day care center, ~~and.~~

(5) The school and the day care center shall maintain on file the immunization history for each student and any waiver form submitted. Immunization histories shall be updated with information supplied by the local ~~public health agency~~ health department, parents, or private physicians.

(7) The immunization record of any new student who transfers from one school or day care center to another shall be forwarded to the new school or day care center within 10 school days of the request for record transfer. The records of a day care students student shall be transferred to a school if requested by either the admitting school or the parent.

(8) All suspected cases of diseases covered by 252.04(1) (2), Stats., or this chapter which occur among students or staff shall be reported immediately by telephone to the local ~~public health agency~~ health department.

(9) If one of the diseases covered by s.252.04 (1)(2), Stats., or this chapter occurs in a student or staff member, the school or day care center shall assist the local ~~public health agency~~ health department and the department in immediately identifying any un-immunized students, notifying their parents of the possible exposure and facilitating the disease control activities.

SECTION 19. HSS 144.08 is amended to read:

HSS 144.08 RESPONSIBILITIES OF LOCAL HEALTH DEPARTMENTS. (1) Each local ~~public health agency~~ health department shall ~~be responsible for making~~ make available ~~these~~ the immunizations required under s. 252.04(2), Stats., insofar as the vaccine is available without charge from the department under ch. HSS 146. Vaccines made available free from the department under ch. HSS 146 shall be administered without charge for the cost of the biologic. By mutual agreement, responsibility for making the needed immunizations available may be transferred from the local ~~public health agency~~ health department to a school or day care center.

(2) By November 15 of each year, each local ~~public health agency~~ health department shall report to the department statistical information concerning the degree of compliance with s.252.04, Stats., of students within its service area. These reports shall be on a form prescribed by the department.

(3) The local ~~public health agency~~ health department shall assist the department in informing schools and day care centers of the provisions of s.252.04, Stats., and this chapter.

SECTION 20. HSS 144.09 is repealed and recreated to read:

HSS 144.09 RESPONSIBILITIES OF THE DEPARTMENT. (1) (a) The department, in cooperation with local boards of health and health officers, local school boards and school and day care center administrators and other agencies, as appropriate, shall provide guidance to parents, physicians, schools and day care centers and local health departments in understanding the minimum immunization requirements under s.252.04, Stats., and this chapter, the reasons behind their establishment and the process for implementing them.

(b) The department shall undertake a public education campaign to inform parents of students about requirements and rights under s. 252.04, Stats., and this chapter.

(c) The department shall prepare the reporting and waiver forms required under this chapter, and shall make copies of those forms available without charge.

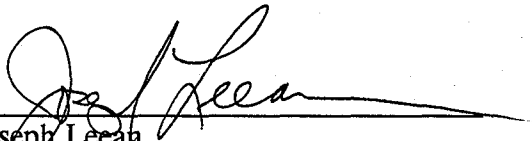
Note: For copies of required reporting and waiver forms, write Immunization Program, Division of Health, P.O. Box 309, Madison, WI 53707-0309.

(2) The department shall maintain a surveillance system designed to detect occurrences of vaccine-preventable diseases listed in s.252.04(2), Stats., and this chapter and shall investigate outbreaks of these diseases to confirm the diagnosis, determine the source and probable pattern of spread of the infection and guide implementation of appropriate control measures.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in the s.227.22(2), Stats.

Wisconsin Department of Health and
Family Services

Dated: May 12, 1997

By: 
Joseph Leeah
Secretary

SEAL:





State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Leean, Secretary

May 12, 1997

Mr. Bruce E. Munson
Revisor of Statutes
131 W. Wilson St., Suite 800
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of ch. HSS 144, administrative rules relating to immunization of students.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Leean", written over a horizontal line.

Joseph Leean
Secretary

Enclosure

