

Clearinghouse Rule 00-171

CERTIFICATE

STATE OF WISCONSIN

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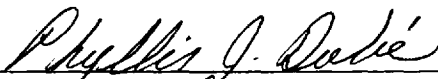
DEPARTMENT OF HEALTH AND FAMILY SERVICES)

I, Phyllis J. Dubé, 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 April 13, 2001.

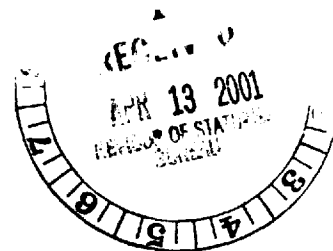
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original. and of the whole of the original.

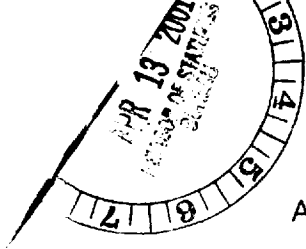
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 13th day of April, 2001.

SEAL:



Phyllis J. Dubé, Secretary
Department of Health and Family Services





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

The Wisconsin Department of Health and Family Services proposes to amend HFS 144.01 (1), 144.03 (3) (a) and 144.03 (6); to repeal and recreate HFS 144.03 (2) (title), (a) and Table 144.03-A; and to create HFS 144.02 (13m), 144.03 (2) (f) and (g) and 144.03 (3m), 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 rules apply to children attending elementary school, middle school, junior or senior high school or a day care center. The rules implement s. 252.04 (1) to (7) and (10), Stats.

This rulemaking order adds varicella (chickenpox) to the list of diseases against which students are to be immunized. Section 252.04 (1), Stats., mandates the Department's implementation of a statewide immunization program to eliminate mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough), poliomyelitis and other diseases that the Department specifies by rule, and to protect against tetanus. To these diseases, the Department has previously added hepatitis B. The Department is authorized under s. 252.04 (1) and (2), Stats., to add diseases to that list by rule.

The Department has decided to add varicella to the list of diseases specified in ch. HFS 144 based on recommendations of the federal Centers for Disease Control Advisory Committee on Immunization Practices that children entering child care facilities and elementary and middle schools either receive varicella vaccine or have other evidence of immunity to varicella. Varicella causes more illness than any other childhood vaccine-preventable disease. In 1998, 4,446 cases of varicella were reported in Wisconsin. Complications from varicella can lead to hospitalization and even death. Before the availability of varicella vaccine, varicella caused an estimated 11,000 hospitalizations and 100 deaths per year in the United States. Since children affected by the rule may have already had varicella, parents will be able to comply with the requirement by indicating that their child has had the disease.

The Department proposes to phase-in the requirement for immunization against varicella beginning with the 2001-02 school year. For the 2001-02 school year, the requirement will apply to any child entering a day care center or kindergarten. The requirement would apply to all grades by the 2005-06 school year.

This rulemaking order also proposes:

1. Increasing by 4 months the age at which measles-mumps-rubella (MMR) vaccine is required from the currently specified 12 month age to conform to the Centers for Disease Control's Recommended Childhood Immunization Schedule, January-December 2001;
2. Clarifying that the requirement for a dose of DTP/DTaP/DT/Td vaccine (i.e., 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) to be received after the 4th birthday applies to children in kindergarten only; and

3. Reducing the Hep B (hepatitis B) requirement from 3 doses to 2 doses for students who receive a licensed two-dose formulation of Hep B vaccine.

The Department's authority to amend, repeal and recreate, and create these rules is found in s. 252.04 (1), (2) and (10), Stats. The rules interpret s. 252.04 (1) to (7) and (10), Stats.

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

HFS 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, varicella, 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. HFS 144.02 (13m) is created to read:

HFS 144.02 (13m) "Var" means varicella vaccine. Varicella is commonly known as chickenpox.

SECTION 3. HFS 144.03 (2) (title), (a) and Table 144.03-A are repealed and recreated to read:

HFS 144.03 (2) **REQUIREMENTS FOR THE 2001-02 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE 2001-02 SCHOOL YEAR.** (a) Table 144.03-A as qualified by pars. (b) to (f) lists the number of doses of each required vaccine that each student in the 2001-02 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 2001-02 SCHOOL YEAR AND
THE FOLLOWING SCHOOL YEARS

Age/Grade	Required Immunizations (Number of Doses)				
5 months through 15 months	2 DTP/DTaP/DT	2 Polio	--	2 Hep B	2 Hib
16 months through 23 months	3 DTP/DTaP/DT	2 Polio	1 MMR	2 Hep B	3 Hib ⁴
2 years through 4 years	4 DTP/DTaP/DT	3 Polio	1 MMR	1 Var	3 Hep B 3 Hib ⁴
Kindergarten through grade 8	4 DTP/DTaP/DT/Td ¹	4 Polio	2 MMR	1 Var ²	3 Hep B ³
Grade 9 through grade 12	4 DTP/DTaP/DT/Td	4 Polio	2 MMR	2 Var ²	3 Hep B ³

1. For kindergarten only, at least one dose to be received after 4 years of age unless medically contraindicated.

2. Required on entrance to kindergarten, beginning 2001-02 school year. See sub. (3m) for phase-in of other grades.

3. Required for students in grades kindergarten through 4 and 7 through 11 in the 2001-02 school year. See sub. (3) for phase-in of other grades.

4. At least one dose to be received after 12 months of age unless medically contraindicated.

SECTION 4. HFS 144.03 (2) (f) and (g) are created to read:

HFS 144.03 (2) (f) Exceptions may be made in requirements for Var vaccine under any of the following circumstances:

1. Students who have a reliable history of varicella disease are not required to receive Var vaccine. A parent of a minor student or an adult student may indicate a reliable history of varicella by signing a statement that the student has had varicella disease.

2. Students who received one dose of Var vaccine before their 13th birthday are not required to receive a second dose of that vaccine.

(g) Exceptions may be made in requirements for the third dose of Hep B vaccine. Students who receive two doses of a licensed two-dose formulation of Hep B vaccine are not required to receive a third dose of Hep B vaccine.

SECTION 5. HFS 144.03 (3) (a) is amended to read:

HFS 144.03 (3) (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)~~(g).

SECTION 6. HFS 144.03 (3m) is created to read:

HFS 144.03 (3m) VAR VACCINE COVERAGE PHASE-IN. (a) Beginning with the 2001-02 school year, students entering day care centers and kindergarten shall have received Var vaccine in addition to the other required vaccines listed in Table 144.03-A as qualified by sub (2) (b) to (g).

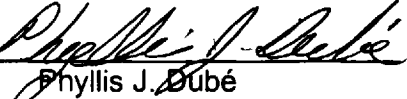
(b) For the 2002-03 school year, the requirements for Var vaccine listed in par. (a) that apply to students in grade kindergarten shall apply to students in grades kindergarten through 1; to students in grades kindergarten through 2 in 2003-04; to students in grades kindergarten through 8 in 2004-05; and to students in grades kindergarten through 12 in 2005-06 and thereafter.

SECTION 7. HFS 144.03 (6) is amended to read:

HFS 144.03 (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/DTPaP/DT/Td and polio vaccines and the ~~third~~final 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.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Health
and Family Services

By: 
Phyllis J. Dubé
Secretary

Date: April 13, 2001

SEAL:



State of Wisconsin
Department of Health and Family Services

Scott McCallum, Governor
Phyllis J. Dubé, Secretary

April 13, 2001



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. HFS 144, relating to immunization of students.

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

The changes to the administrative rules being proposed will not have an effect on small businesses as defined under s. 227.114, Stats.

Sincerely,

A handwritten signature in cursive script that reads 'Phyllis J. Dubé'.

Phyllis J. Dubé
Secretary

Enclosure